

North York Moors National Park Authority

Parish: Fylingdales

Parish: LCPs of Fylingdales and Hawsker-cum-nsacre

App No: NYM/2021/0145/ FL

Proposal: enclosing of existing porch canopy to front elevation, installation of additional first floor window to side elevation, reinstatement of chimney, construction of extension and enlargement of dormer window to rear together with relocation of parking area, change of use from agricultural land to domestic garden, erection of garden shed and installation of package treatment plant

Location: Laburnum Cottage, Raw

Applicant: Dr Mark Casey, Laburnum Cottage, Raw, Whitby , North Yorkshire

Date for Decision: 12 May 2021

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. WPDR06 **Withdrawal of PD Part 1 Class E - Outbuildings Only**
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 1, Classes E (or any order revoking and re-enacting that Order), no erection of domestic outbuildings shall take place without a further grant of planning permission being obtained from the Local Planning Authority.
4. WPDR09 **Withdrawal of PD Part 2 Class A - Gates, Walls, Fences**
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 2, Class A (or any order revoking and re-enacting that Order), no gates, walls fences or other means of enclosure shall be erected without a further grant of planning permission being obtained from the Local Planning Authority.
5. GACS00
No up-lighting shall be installed on the development hereby permitted. Any external lighting installed on the development hereby approved shall be of a style and luminance which minimises glare and light pollution. All bulbs should be shielded to prevent upward and minimise horizontal light spill and all lighting shall be installed to minimise its impact on neighbouring amenity. The lighting shall be installed in accordance with the above and shall be maintained in that condition in perpetuity.

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6. 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.
7. HWAY00 The development must not be brought into use until the access to the site at the lower end of the application site has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:
The crossing of the highway verge must be constructed in accordance with and based on Standard Detail number E10 and the following requirements.
- Any gates or barriers must not be able to swing over the existing highway.
 - The final surfacing of any private access within one metre of the public highway must not contain any loose material that is capable of being drawn on to the existing public highway.
- All works must accord with the approved details.
8. HWAY00 There must be no access or egress by any vehicles between the highway and the application site at the proposed access until splays are provided giving clear visibility of 45 metres measured along both channel lines of the major road from a point measured 2 metres down the centre line of the access. In measuring the splays, the eye height must be 1.05 metres and the object height must be 1.05 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Informatives:

1. INF00 The applicant's attention is drawn to the apparent presence of a modified attribution (undergrounded watercourse) through the land proposed to be brought into domestic curtilage and immediately adjacent to the site of the proposed package treatment plant (PTP). PTPs are able to discharge directly to watercourse if desired, however if the proposal was to discharge to soakaway then this would need to be located more than 10m from the attribution. The applicant is advised to determine the exact location of the watercourse in order to ensure that it is not damaged when the PTP is installed.
2. INF00 Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site:
https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification_for_housing__ind_est_roads__street_works_2nd_edition.pdf .
The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

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3. INF00 An explanation of the terms used above is available from the Local Highway Authority.
4. MISC **Bats**
INF01 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.
5. INF00 With reference to condition no. 5 above, further advice and guidance in relation to suitable external lighting fixtures is available on the Authority's website: <https://www.northyorkmoors.org.uk/discover/dark-skies/dark-skies-friendly-lighting> or by contacting the Authority at planning@northyorkmoors.org.uk

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 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 & 4. 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.
5. 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.
6. MATS00 For the avoidance of doubt and in order to comply with the provisions of NYM Local Plan Policies A and C 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.
7. HWAY00 In accordance with Policy CO2 of the North York Moors Local Plan and to ensure a satisfactory means of access to the site from the public highway in the interests of the safety and convenience of all highway users.
8. HWAY00 In accordance with Policy CO2 of the North York Moors Local Plan and in the interests of highway safety and amenity.

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Consultations

Parish - No objection.

Highways - The required visibility splay is 2 metres by 45 metres. This is achievable but only by clearing trees and vegetation and altering the dry stone wall. Recommend conditions.

Natural England - No objection.

Environmental Health Officer - No objection of Environmental Health or Housing grounds.

Site Notice Expiry Date - 30 April 2021.



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Background

Laburnum Cottage is a much altered and heavily extended property of traditional stone under pantile construction. It is located at the north-west limb of the small settlement of Raw, approximately 1km from Fylingthorpe.

The original cottage was a very modest property, orientated with the principle elevation facing south east, enjoying views over Fylingthorpe and the sea beyond. The first floor windows in the original cottage cross the eaves and consequently appear as modest catslide dormers. The property is set back and on lower ground than the adjacent road with the side gable facing the road. The property was extended in the late 1980s/early 1990s under a planning permission for the construction of a pitched roof first floor extension over an existing flat roof extension attached to the rear elevation and abutting the garage. The extended roof tied into the original roof at right angles with the ridge parallel with the road. The design included front and rear facing catslide dormers and an open porch over the 'front' door which introduces an element of formality to the elevation facing the road, which in the context of the original house, is the side elevation. The 1989 permission resulted in a physical link between the house and garage, although it is understood to be no internal connection.

This application seeks full planning permission for the enlargement (widening) of the rear facing dormer to improve headroom in the principle bedroom; the construction of a small rear extension (3sq.m floor area) to infill a redundant corner; enclosure of open porch/canopy at the front of the property; relocation of the parking area within the front curtilage; reinstatement of chimney on original cottage; alterations to fenestration at the rear of the property together with the change of use of agricultural land at the rear to domestic, including the erection of a garden shed and replacement package treatment plant. It is also proposed to replace the existing garage door with domestic windows.

Policy Context

The relevant policies of the NYM Local Plan to consider with this application are Strategic Policy C (Quality and Design of Development), Policy CO17 (Householder Development) and Policy CO19 (Extensions to Domestic Curtilages) together with the advice contained within the adopted Design Guide.

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 Guide recognises that dormer windows are a traditional feature in several parts of the National Park but the detailing varies within and between settlements. However, in general, traditional small scale dormers which are well related to the size, position and glazing pattern of existing windows beneath may be acceptable.

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Large flat-roof box dormers and dormers incorporating balconies are considered to be inappropriate due to their respective impact on the host dwelling and impact on amenity. The use of dormers on the front elevation will generally be inappropriate unless the street or local area is characterised by existing dormers.

Local Plan Policy CO19 is concerned with extensions to domestic curtilages and further advice is provided in section 3.8, Part 2 of the Authority's adopted Design Guide. CO19 is only supportive of extensions to domestic curtilages where: the change to domestic use will not have an adverse impact on the local landscape character; the proposed land does not form part of a Community Space, valuable local habitat or heritage asset; and the change to domestic use will not cause unacceptable harm to the amenities of neighbouring occupiers.

The Design Guide recognises that the change of use of land can result in an erosion of the quality of the landscape and in areas of open countryside the effect can be quite significant, particularly where domestic paraphernalia is introduced. Consideration should be given to existing development patterns and landscape features, the relationship of the land to the existing dwelling and how much land will be taken out of agricultural use.

Main Issues

The main issues are considered to be whether the proposed householder alterations are acceptable in terms of size, scale and design and whether the extension to domestic curtilage is acceptable in wider landscape terms.

Proposed extensions, alterations and enlargement of dormer

The proposed rear extension is extremely small-scale amounting to a total of approximately 3 square metres of floor area. The extension would infill an unused area at the rear of the property and would 'square off' the property, thus improving the appearance of the rear elevation. The extension would be of matching materials to the existing building.

The existing dormer at the rear of the property is fitted with a three-sash casement window. It is proposed to increase the width of the structure and to add a further single sash casement window. Although large dormers are often resisted, in this case, it is acknowledged that the proposal relates to the alteration of an existing feature within a modern part of the property. The dormer is positioned at the rear and in a location with no immediate neighbours or public rights of way. The proposed extension at the rear of the property would increase the size of the rear roofslope and consequently, to a certain extent, the increased size of the dormer is off-set because the two developments maintain a similar roofslope:dormer ratio. The dormer window would remain to be contained within the roofslope and together with other alterations to the fenestration arrangement in the elevation below, the proposal is considered to be acceptable, a lead to a marginal enhancement in the appearance of the property.

The existing canopy over the front door comprises a substantial lean-to pantile roof supported by a large stone pillar. It already reads as a main feature rather than lightweight addition and consequently, the proposal to enclose the 'porch' is considered to represent minor development and would have minimal impact on the overall appearance of the property. The reinstatement of a chimney on the far gable of the original cottage to match the remaining chimney on the roadside elevation is considered acceptable and would help to restore the original appearance and re-establish the original cottage as the dominant part of the property.

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Extension to domestic curtilage and proposed shed

In view of the fact Laburnum Cottage is flanked by existing development and both of the neighbouring properties are set further back from the road, extending the built form into the Open Countryside, it is considered that the proposed extension of the domestic curtilage is acceptable. The proposal would bring the extent of domestic land associated with Laburnum Cottage in-line with the neighbouring properties but would not extend into the field quite as far as their curtilages meaning that it remained in proportion with the host cottage.

The application follows pre-application advice in which Officers advised that in accordance with the policy requirements of CO19, permitted development rights relating to the provision of ancillary buildings and fences would be removed and therefore a garden shed is included in the current application.

The proposed shed is of relatively small-scale and of a typical timber design. It is proposed to site the building adjacent the north-west boundary of the extended curtilage and abutting the north-east boundary of the existing garden. The proposed position ensures there is a good visual relationship with the original curtilage and existing buildings. For this reason, the proposed shed is considered acceptable in the context of the host property which in turn results in minimal landscape impact.

Proposed alterations to access

There is currently an area of hardstanding of sufficient size to part two vehicles off the highway and which then reduces to a single width concrete drive, sloping quite steeply for a short distance to the garage.

It is proposed to provide an alternative area of parking of sufficient size to accommodate three cars at the opposite side of the curtilage. The land at this part of the site is flatter and together with the use of a porous surface material, together with the removal of the existing concrete drive, it is anticipated that the current drainage/surface water run-off problems will be reduced.

The Highway Authority has no objection in principle to the proposal but in order to achieve the necessary visibility splays, it is recommended that conditions are included to ensure vegetation and the dry stone wall are altered to improve the access.

Proposed Package Treatment Plant

It is proposed to install a new package treatment plant within the area of extended curtilage, adjacent the proposed shed. It is also proposed to remove a culvert and to reinstate the open watercourse. The Authority's Ecologist has been consulted and advised that there is no objection to the plans. However, it is recommended that an informative is added to draw the applicant's attention to underground watercourse to and ensure its exact position is noted to avoid damage during construction.

The installation of a new waste management system is considered likely to enhance the quality of the local environment and provided the Ecologist's guidance and recommendations are followed, the proposal is considered acceptable.

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Summary

The proposals, both in isolation and cumulatively, are considered to be of a size, scale, design and nature which are compatible with the host property and its setting. The alterations are relatively small-scale and, in view of the generous distances between properties, are considered unlikely to result in any unacceptable neighbour impact.

The scheme is considered to sufficiently comply with the relevant planning policies and there being no objections from statutory consultees or third parties, 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.