

# North York Moors National Park Authority

## Delegated decision report

### Application number

NYM/2021/0317/FL

### Development description

alterations and construction of 2 no. dormer windows together with erection of replacement shed

### Site address

2 Elm Grove, Robin Hoods Bay

### Parish

Fylingdales

### Case officer

Miss Helen Webster

## Director of Planning's Recommendation

Approval subject to the following:

### Condition(s)

Condition number	Condition code	Condition text
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.	RSUO00	The garage/shed hereby permitted shall be used for domestic storage incidental to the occupation of the main dwelling on the site and for no other purpose. There shall be no alteration or conversion of the building hereby permitted to permanent residential accommodation and any such use or alteration will require a separate grant of planning permission from the Local Planning Authority.
4.	GACS07	External Lighting - Submit Details  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 installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.
5.	MATS10	Brickwork and Roofing Tiles to Match  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.

**Reason(s) for condition(s)**

<b>Reason number</b>	<b>Reason code</b>	<b>Reason text</b>
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.	RSUO00	In order to enable the Local Planning Authority to control any future changes to the building which is in a location where the formation of a separate dwelling unit would be likely to adversely affect the amenities of existing and future occupiers of the site and to accord with the provisions of NYM Local Plan Policy CO17.

4.	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.
5.	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.

**Informative(s)**

<b>Informative number</b>	<b>Informative code</b>	<b>Informative text</b>
1.	MISCINF01	<p>Bats</p> <p>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.</p>

2.	MISCINF12	<p data-bbox="616 253 683 286">Birds</p> <p data-bbox="616 315 1497 719">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>.</p> <p data-bbox="616 804 1369 904">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>.</p>
3.	INF00	<p data-bbox="616 931 1497 1272">Swift (<i>Apus apus</i>) populations are declining in the UK due to the loss of nest sites in roof spaces as old buildings are renovated or demolished. Swifts occupy nest sites between May and August, making little noise and causing no mess or smell. Swift populations can be supported by the inclusion of simple and affordable measures during building construction or renovation, such as purpose-made 'swift bricks' or the creation of small loft voids. Guidance can be found on the Swift Conservation website; <a href="https://www.swift-conservation.org/">https://www.swift-conservation.org/</a> with additional swift box ideas from Action for Swifts; <a href="http://actionforswifts.blogspot.com/search/label/nestbox%20design">http://actionforswifts.blogspot.com/search/label/nestbox%20design</a></p>

## **Consultation responses**

### **Natural England**

No objection.

### **Third party responses**

#### **Name**

**Mr Tom Richardson of 3 Elm Grove, Robin Hoods Bay** – No objection.

I believe there were two issues raised at the pre planning stage, that the other dormer windows on the street were not original and that the size proposed was not in proportion to the rest of the building.

A google images search results in a photo from the early 1900s which clearly shows dormer windows present on Elm Grove properties from No3 onwards. Also the size proposed is the same and in keeping with the rest of the street as the measurements were directly taken from No3.

### **Publicity expiry**

Site notice expiry date – 10 June 2021.







## Background

Elm Grove is located in upper Robin Hoods Bay and the street is characterised by traditional terraced properties of red brick and pantile construction. The houses face the former railway line and their principle elevations overlook pleasant front gardens to the south. At the rear of the terrace is a private access road which separates the rear elevations of the properties from small areas of utilitarian curtilage. These areas are modest and generally hard surfaced with a number containing garaging, parking spaces or garden sheds.

2 Elm Grove is located towards the western end of the terrace and with the exception of some replacement windows in modern materials (aluminium and some uPVC), the property is little altered. It is an attractive double fronted property with ground floor projecting bay windows, connected by a canopy which provides cover/shelter to the front door. The front door and first floor windows are of timber construction, believed to be original to the property, making a significant contribution to its attractive character and appearance. There is a single rooflight in the front roofslope serving an attic room. At the rear of the property is a traditional vertical boarded timber shed under a black corrugated metal roof. Although showing signs of dilapidation, the building is quite characterful.

This application seeks full planning permission for the installation of two front facing dormer windows of catslide design to match examples in neighbouring properties. The application also proposes the construction of a replacement shed of redbrick and pantile construction. The replacement shed is proposed to be set slightly further back from the edge of the access road in order to provide a bin store. The dimensions would be slightly larger and together with its revised construction materials, it would match other recently constructed sheds along the terrace. It would mostly occupy the original footprint, retaining the single car parking space to the side.

## Main issues

The relevant NYM Local Plan Policies to this application 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. 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.

Part 2 of the Authority's adopted 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. 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.

Having regard to new outbuildings; Policy CO17 states that proposals must be for purposes incidental to the main house; subservient in size; and located in close proximity to existing buildings.

### **Proposed dormer windows**

The application follows the advice provided by Officers at pre-application stage in that symmetry has been introduced through the use of two dormers above existing first floor window openings and the scale, form and design of the dormers has been informed by existing examples in neighbouring properties.

Although there would ordinarily be a level of concern about the impact of introducing front facing dormers on traditional and unaltered properties, in this context the proposal is considered to reflect established design principles at the terrace. Although the size of window openings within a property tend to decrease with each increase in floor level, in this case existing dormer windows seen at Elm Grove are wider than the first floor sashes below. There are no planning records associated with any of the existing dormers but evidence of some of them is provided on historical photographs dating back to the 1900s. Consequently, based on the fact the proposed dormers would match others in the streetscene and they are supported by archived photographs, the proposal is considered acceptable.

Although the use of timber for the window frames would be preferable, the property is not listed and is not within the designated conservation area. It already has a range of window materials from original, high quality and elegant single glazed timber vertical sliding sash windows to poorer quality standard uPVC units and some metal window frames. Planning permission is not required to replace existing windows in the property and therefore, it is not considered reasonable to request or condition the use of timber frames for the dormer windows.

### **Replacement Shed**

The proposed shed would be in keeping with existing development in the immediate vicinity and is considered to be of an acceptable size, scale and design in the context of the host property. The adjusted position of the shed is not considered to be harmful in the wider landscape and would provide a neat bin store to the front of the building.

The application is supported by a neighbouring occupier and Natural England has offered no objection to the scheme. The Authority's Conservation Team has requested a number of informative relating to bat and bird species but no other representations have been made.

In view of the above, the proposal is considered to be well-designed and in-keeping with the character of the terrace. The scheme is considered to accord with the requirements of Local Plan Policies SPC and CO17, together with the advice contained within the design guide. Approval is therefore 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.