

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2021/0497/FL

Development description: alterations to existing garage to create garden room and construction of detached double garage/store

Site address: 113 Hackness Road, Scalby

Parish: Newby and Scalby

Case officer: Mrs Helen Stephenson

Applicant: Mr A Walter
113 Hackness Road, Scalby, Scarborough, YO12 5SG

Agent: Mick Paxton Architects Ltd
FAO Mick Paxton, Studio 302, Woodland Creative Centre, The Crescent, Scarborough,
YO11 2PW

Director of Planning's Recommendation

Approval subject to the following: / Refusal for the following reason(s)

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.	PLAN01	<p>PLAN01 Strict Accordance With the Documentation Submitted or Minor Variations – Document No.s Specified (inserts)</p> <p>The development hereby permitted shall not be carried out other than in strict accordance with the following documents:</p> <table border="1" data-bbox="564 456 1465 680"> <thead> <tr> <th>Document Description</th> <th>Document No.</th> <th>Date Received</th> </tr> </thead> <tbody> <tr> <td>Location & Block Plans</td> <td>18.04-01</td> <td>23 June 2021</td> </tr> <tr> <td>Proposed garden room (amended)</td> <td></td> <td>31 August 2021</td> </tr> <tr> <td>Proposed garages (amended)</td> <td></td> <td>31 August 2021</td> </tr> </tbody> </table> <p>or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.</p>	Document Description	Document No.	Date Received	Location & Block Plans	18.04-01	23 June 2021	Proposed garden room (amended)		31 August 2021	Proposed garages (amended)		31 August 2021
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3.	WPDR00	<p>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 extensions to the property known as 113 Hackness Road shall take place without a further grant of planning permission being obtained from the Local Planning Authority.</p>												
4.	RSU000	<p>The detached double garage/carport and store 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.</p>												
5.	GACS07	<p>External Lighting - Submit Details</p> <p>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.</p>												
6.	MATS15	<p>Natural Clay Pantiles to be Used</p> <p>The roof of the development hereby permitted shall be clad with traditional, non interlocking, non pre-coloured natural red clay pantiles and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.</p>												

7.	MATS26	<p>Timber Cladding (inserts)</p> <p>The external elevations of the garage/carport and store hereby approved shall, within three months of first being brought into use, be clad in vertical timber boarding and shall thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority.</p>
8.	MATS00	<p>The doors of the garage/carport store hereby approved shall be of a vertical boarded, ledged, braced (and framed) timber design, side hung and finished to match the external cladding and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.</p>
9.	MATS72	<p>Black Coloured Rainwater Goods</p> <p>The rainwater goods utilised in the development hereby permitted shall be coloured black and shall thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.</p>

Reason(s) for condition(s)

Reason number	Reason code	Reason text
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.	RSU000	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 not normally be permitted in line with Strategic Policies B and M of the North York Moors Local Plan and would be likely to adversely affect the amenities of existing and future occupiers of the site.
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 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.
7 to 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 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)

Informative number	Informative code	Informative text
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="616 255 692 286">Birds</p> <p data-bbox="616 322 1497 680">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</p> <p data-bbox="616 689 1497 824">http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/speciallyprotectedbirds.aspx. Further information on wildlife legislation relating to birds can be found at www.rspb.org.uk/images/WBATL_tcm9-132998.pdf.</p> <p data-bbox="616 922 1497 1025">If advice is needed please contact the National Park Authority's Conservation Department on 01439 772700 or conservation@northyorkmoors.org.uk.</p>
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Consultation responses

Parish

No objection.

Scalby Village Trust

Insert

Third party responses

Name

None received.

Publicity expiry

Site notice expiry date - 25 August 2021.



Front elevation of 113 Hackness Road; a single storey dwelling, linear in form of red brick under pantile construction with a central oak framed porch and large gravel parking area. Attached to the side is a double garage with slightly lower roof. To the rear mature trees can be seen.



View into the site from the gate showing the existing garage to the left with a lawned area to the right upon which the replacement garage is proposed in front of a dense and mature hedge.



Photograph of site from the road, looking south. The site of the proposed garage is screened by mature front and side boundary hedges and trees. Only the roof of the existing garage can be seen.

Background

113 Hackness Road is a relatively modern brick and pantile detached bungalow which is set back from the Scalby-Newby road to the south of the village of Scalby. The property is located in the centre of a large plot which is well screened from the road and neighbouring properties by a substantial and mature hedge. It has an attached double garage at the side which is constructed of matching materials.

Planning permission was granted earlier in 2019 for the construction of a porch together with a garden room extension to the rear (following the demolition of the existing conservatory). Later in the same year another application was approved for the construction of a modest single storey side extension to provide en-suite facilities.

The current application seeks full planning permission for the conversion of the existing garage to living accommodation together with associated alterations to the door openings to create windows. It is also proposed to construct a detached double carport with attached store on land to the side of the property to replace the garaging lost through conversion. Amendments have been sought to remove rooflights from the front elevation of the garden room and to change the horizontal timber cladding on the garage to vertical.

Main issues

The relevant NYM Local Plan Policies to consider with this application are Strategic Policy C (Quality and Design of Development) and Development 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.

The supporting text of Policy CO17 explains the rationale behind limiting extensions advising that very large extensions can have an overbearing impact and proposals which incrementally extend small dwellings beyond their original size can detrimentally affect the character of an area by reducing the mix of dwelling types required to sustain balanced communities. Limiting the size of extensions can help protect the supply of smaller more affordable dwellings. Garages and outbuildings which are attached to the main house are not considered to be original habitable floorspace.

In respect of proposed outbuildings, Policy CO17 requires new development to be of an appropriate and subservient nature to the host property and respectful to neighbouring amenity and proposals must be for purposes incidental to the main house; subservient in size; and located in close proximity to existing buildings.

The main issues are considered to be whether the proposed conversion of the garage space to additional living accommodation is compliant with the restrictions on floor area under Policy CO17 and whether the proposed detached carport is of a suitable size, scale, design and position in relation to the host property and setting.

The proposal does represent some conflict with the Authority's current householder development policy (CO17) in that the new floor area delivered through previous extensions together with the conversion of the existing garage space exceeds 30% of the original floor area of the property. However, it is acknowledged that in the majority of cases the conversion of the garage to living accommodation would be permitted development and therefore beyond the control of the local authority.

In the case of 113 Hackness Road, there is a condition placed upon the garage to restrict its use to the parking of motor vehicles. The reason for this condition was in relation to ensuring adequate parking provision and highway safety as opposed to preventing an increase in living accommodation. Therefore, Officers have carefully considered the effect of the conversion and consider that the proposal is for the conversion of an existing part of the house so there is no increase in mass and little material change to the external appearance. Furthermore, the proposed new garage is not considered to cause harm at this site so on balance the principle of development is acceptable. It is not considered that there are sufficient grounds for refusal in this case but it is recommended that permitted development rights are removed from the property to prevent any further unregulated extensions.

The proposed garage would be located at the side of the property and positioned at a slight angle to the main house so that its rear elevation is parallel with the rear boundary. It is proposed to be a simple ridge and gable design with a double open fronted carport with a third bay enclosed by side hung doors used for storage. The storage area reads as a subservient part having a lower ridge line. The building is proposed to be clad in timber under a pantile roof. Officers have requested a revision from horizontal timber cladding to vertical cladding in order to respect the local vernacular. Amended plans have been received.

The Parish Council has no objection to the proposal and no other representations have been received. In view of the above, 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.