

# North York Moors National Park Authority

## Delegated decision report

**Application reference number:** NYM/2021/0693/FL

**Development description:** alterations and construction of replacement porch

**Site address:** Plough Cottage, Raw Pasture Bank, Robin Hoods Bay

**Parish:** Fylingdales

**Case officer:** Mrs Helen Stephenson

**Applicant:** Mr & Mrs G & J Ripley

Plough Cottage, Raw Pasture Bank, Robin Hoods Bay, Whitby, YO22 4PQ

**Agent:** BHD Partnership

fao: Mr Neil Duffield, Airy Hill Manor, Waterstead Lane, Whitby, YO21 1QB

## Director of Planning's Recommendation

Approval subject to the following:

### Conditions

Condition number	Condition code	Condition text									
1.	TIME01	<p>Standard Three Year Commencement Date</p> <p>The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p>									
2.	PLAN02	<p>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"> <thead> <tr> <th>Document Description</th> <th>Document No.</th> <th>Date Received</th> </tr> </thead> <tbody> <tr> <td>Location Plan</td> <td>D11977-01 A</td> <td>09 Sept 2021</td> </tr> <tr> <td>Proposed Plans &amp; Elevations</td> <td>D11977-03 E</td> <td>03 Nov 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 Plan	D11977-01 A	09 Sept 2021	Proposed Plans & Elevations	D11977-03 E	03 Nov 2021
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Location Plan	D11977-01 A	09 Sept 2021									
Proposed Plans & Elevations	D11977-03 E	03 Nov 2021									
3.	GACS00	<p>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 lighting fixtures should be shielded/fully cut off 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.</p>									
4.	MATS04	<p>Stonework and Roofing Tiles to Match</p> <p>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.</p>									
5.	MATS00	<p>The structural framework, window frames, door frames and doors of the replacement porch hereby permitted shall be of timber construction and shall be maintained in that condition in perpetuity</p>									

		unless otherwise agreed in writing with the Local PLanning Authority.
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6.	MATS41	<p>Windows - Match Existing</p> <p>All new windows in the development hereby permitted shall match those of the existing building in terms of appearance, materials, section, dimensions, glazing bar pattern, method of opening, external finish, reveals cills and lintels and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.</p>
7.	MATS56	<p>Conservation Rooflights Only</p> <p>The rooflights to be installed in the development hereby permitted shall be a conservation style rooflight unless otherwise agreed in writing with the Local Planning Authority.</p>
8.	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>

### Reasons for conditions

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.	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.

4 to 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 the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
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### Informatives

Informative number	Informative code	Informative text
1.	INFO0	The applicants attention is drawn to the consultation comments relating to the position of the development in relation to the private access to property and neighbouring property/land. It is the responsibility of the applicant to ensure the development does not conflict with any private access arrangements.
2.	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>

### Consultation responses

#### Parish

Original Plans - Six councillors had no objection, one objected.

Amended Plans -

#### Highways

Original Plans – No objection.

Amended plans -

### Third party responses

#### Name

Dr Clare Stephens, Raw Pasture Cottage, Raw Pasture, Robin Hoods Bay - I have right of access through the driveway of Plough Cottage to access my agricultural land and would like further clarification of how the development might affect my access and whether I will still be able to have large agricultural machinery use the access. Will the planned ultimate width of the access route be narrower than the current layout?

#### Publicity expiry

Site notice expiry date - 15 October 2021.



Front and side elevation of Plough Cottage; a three storey end of terrace property of stone under pantile construction. There is an existing single storey mono-pitch porch set well back from the front elevation abutting the shared access drive with a timber clad outbuilding at the other side of the drive.

## Background

Plough Cottage is a three storey end of terrace property of stone under pantile construction. The terrace immediately fronts the road known as Raw Pasture Bank and occupies a slightly elevated and isolated position on the east side of the road just to the north of the old St. Stephen's Church at the Robin Hoods Bay/Fylingthorpe junction.

Vehicular access to the rear of the terrace and the land beyond is provided to the south side of Plough Cottage and it is understood that this is a shared access. The Property currently benefits from a small mono-pitch porch set well back from the front elevation. The existing porch is very small with the door facing the road and the structure is finished in a painted render.

This application seeks full planning permission for the construction of a replacement and enlarged porch together with the insertion of additional window openings in the gable and rear elevation. As originally submitted, the application proposed a mainly glazed structure occupying the full gable width of the property of flat roof construction in order to provide a first floor balcony with glass balustrade and new French doors in the gable. However, following Officer concerns, the scheme has been substantially amended and a simple timber framed lean-to porch with stone dwarf walls and a pantile roof is proposed. The porch would be set in from the front and rear elevations and fitted with inward opening doors to the side elevation. The first floor French doors have been revised to a standard window of similar proportions to the existing gable windows and a further window is proposed in the rear elevation at ground floor level.

## Policy Context

The relevant NYM Local Plan Policies to consider with this application are Strategic Policy C (Quality and Design of Development) and Policy CO17 (Householder Development), together with the advice contained within Part 2 of the authority's adopted Design Guide.

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.

## Main issues

The main issues are considered to be whether the proposed porch extension is of an acceptable size and design in relation to the host property and whether it is likely to cause any undue impact upon the amenities of neighbouring occupiers.

In its revised form, the proposed replacement side porch is considered to be of a high quality design which reflects the general architectural character of the host property. Although larger than the existing structure, it has been designed in a subservient manner and is not as wide as the main gable. It is of relatively light-weight design but incorporates matching stone and pantile in order to tie in with the main house. The insertion of a small first floor window in the main gable is considered acceptable and consistent with the existing character of the property.

In terms of neighbour impact, the elevation in question does not overlook another property nor private amenity space and consequently its impact on residential amenity is considered to be minimal. However, it is noted that a nearby neighbour has expressed concern in relation to the impact of the development upon their ability to continue exercising their right of access over the drive, especially for agricultural machinery. The proposed porch is slightly wider and much longer than the existing so there is likely to be some impact. The applicant's agent has provided confirmation of the width of the driveway at 3.1 metres. Private rights of access are civil matters rather than planning matters and the concerns of the neighbour have been brought to the attention of the applicant's agent. The amended plans have been offered for re-consultation but no further comments have been received.

The Authority's conservation team has expressed concern in relation to the likelihood of lightspill emitting from the glazing but this has been slightly reduced in the amended plans. The position of the structure opposite an outbuilding and its use as a porch (i.e. not a permanently habitable room) is not expected to result in unduly harmful lightspill.

The Parish Council and Local Highway Authority registered no objection to the original proposal and no further comments have been submitted in response to the amended plans. The amended scheme is considered to be of an acceptable size, scale, design and suitable materials in accordance with Strategic Policy C and Policy CO17 of the NYM Local Plan. 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 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.