

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2021/0868/FL

Development description: alterations, enclosing of existing recessed porch to front elevation and construction of 1 no. dormer window to rear

Site address: 8 Kingston Garth, Fylingthorpe

Parish: Fylingdales

Case officer: Mrs Helen Stephenson

Applicant: Mrs Jill Heaton
2 St Margarets Drive, Horsforth, Leeds, LS18 5BQ

Agent:

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.	PLAN01	<p>Strict Accordance With the Documentation Submitted or Minor Variations - Document No.s Specified</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/Existing block plan</td> <td>Drawing No. 1</td> <td>04 Nov 2021</td> </tr> <tr> <td>Plans existiing and proposed</td> <td>Drawing No. 2</td> <td>06 Dec 2021</td> </tr> <tr> <td>Proposed side and rear elevations</td> <td>Annotated drawing</td> <td>06 Dec 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/Existing block plan	Drawing No. 1	04 Nov 2021	Plans existiing and proposed	Drawing No. 2	06 Dec 2021	Proposed side and rear elevations	Annotated drawing	06 Dec 2021
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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 Dark Night Skies compliant, fitted with a warm white bulb of 3000k or less and no more than 500 lumens. 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	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.
5.	MATS00	The cheeks of the dormer hereby permitted shall be clad in either lead or a dark grey (or brown) coloured material so as to blend with or match the colour of the main roof and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
6.	GACS00	The dormer window in the rear elevation of the development hereby approved shall not be glazed other than with obscure glass and shall be maintained in that condition in perpetuity.

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 & 5.	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.

6.	GACS00	In order to comply with the provisions of Strategic Policy A of the North York Moors Local Plan which seeks to ensure that new development does not detract from the quality of life of local residents.
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Informatives

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>

Consultation responses

Parish

Third party responses

Name

None received.

Publicity expiry

Site notice expiry date – 16 December 2021.



Front elevation taken from within Kingston Garth. The application property is a bungalow, central in the picture with a semi-detached flat roof garage with blue door to the left. The front elevation is partially obscured by large garden shrubs.



Photograph taken from allotment gardens showing the rear roofslope of the property. The roof is visible over the rooftops of two garages within the allotment gardens as identified by the white arrow.

Background

8 Kingston Garth is located at the head of Kingston Garth cul-de-sac; a relatively modern housing development on the southern arm of development in Fylingthorpe village. There are neighbouring properties either side of number 8 and further properties are situated to the north-west. The property is a modern bungalow constructed from artificial stone under a concrete tiled roof with a flat roofed garage to the side/rear. The property has an enclosed rear garden which backs onto the allotment gardens. The property is not within the village conservation area boundary.

This application seeks full planning permission for the installation of a large flat roof rear dormer window to create a first floor bathroom together with other alterations including the insertion of 2no. rear rooflights, increased gable glazing to the front elevation and the enclosure of the recessed front door.

The application has been slightly amended following Officer concerns in relation to the size and design of the dormer. The scheme now proposes a slightly smaller catslide dormer which will be roofed using matching tiles to the main roof with either lead or dark coloured composite cladding to the cheeks. Obscure glazing is proposed to the window.

Policy Context

The relevant policies contained within the NYM Local Plan 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 adopted Design Guide.

Strategic Policy C relates to the quality and design of development within the National Park. The policy 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.

Main Issues

The main issues to consider with this application are whether the proposed dormer window is of an acceptable size and design in relation to the host property and whether it is acceptable in terms of neighbour/amenity impact. The remaining alterations shown on the plans are considered to comply with current permitted development allowances.

Although rear-facing dormers tend to have less impact upon the character and appearance of the host property and its setting, they may still result in unacceptable neighbour impact as a result of overlooking. In the case of 8 Kingstone Garth, whilst the rear of the property does not directly overlook a private garden, it does face the allotment gardens and glimpses of the roof slope can be obtained from Middlewood Lane. Although there are other examples of dormer windows evident (on the front and rear elevations) on Kingston Garth, they tend to be smaller and fitted with a catslide roof.

Due the fact number 8 is the first of the properties backing onto the allotment gardens to propose a dormer window, it is important to ensure it is well designed in accordance with the above policies and guidance. The applicants have responded positively to Officer advice and an amended scheme has been submitted. The reduced proportions and catslide roof are considered to be of a scale and design which is appropriate for the host property and wider area. Furthermore, the use of obscure glazing serves to safeguard the amenities of both the host property and any neighbours.

In terms of increased floor area, the amended proposal (a reduction in size from bathroom to shower room) is negligible. The accompanying guidance note to Policy CO17 excludes dormers of this scale from the calculations and consequently it is not considered necessary to include the floor area in the 30% allowance.

No objections have been submitted in connection with the application and therefore, 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 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.