

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2022/0007

Development description: alterations, raising of roof height and construction of extension to garage to form garden room together with construction of pitched roof over entrance porch

Site address: Fern Dene, Thorpe Lane, Robin Hoods Bay,

Parish: Fylingdales

Case officer: Mrs Helen Stephenson

Applicant: Mr E Hamilton

c/o BHD Partnership Ltd, Airy Hill Manor, Waterstead Lane, Whitby, North Yorkshire, YO21 1QB

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 Plans/Specifications or Minor Variations</p> <p>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.</p>
3.	MATS00	<p>All new brickwork and stonework used in the development hereby permitted shall match that of the existing building including the colour and texture of the stone and the method of coursing and pointing unless otherwise agreed with the Local Planning Authority.</p>
4.	MATS00	<p>The glass used in the roof glazing of the development hereby approved shall not be glazed other than with glass that is treated or shielded to minimise light spill (through tinting, or use of electronically controlled blinds or smart glass) and shall be maintained in that condition in perpetuity.</p>
5.	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>
6.	MATS00	<p>The existing gateposts shall be carefully dismantled and reused following the alterations to the driveway width, 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 & 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 the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
4 & 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.

Informatives

Informative number	Informative code	Informative text
1.	INFO0	These works may include replacing part of the edges to the existing highway to the proper line and level. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The local office of the Highway Authority will also be pleased to provide the detailed construction specification referred to in this informative.
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</p>

		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.
3.	MISCINF12	<p>Birds</p> <p>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 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>If advice is needed please contact the National Park Authority's Conservation Department on 01439 772700 or conservation@northyorkmoors.org.uk.</p>
4.	INFO0	<p>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; https://www.swift-conservation.org/ with additional swift box ideas from Action for Swifts; http://actionforswifts.blogspot.com/search/label/nestbox%20design</p>

Consultation responses

Parish

Highways

Original comments: Recommend refusal based on lack of parking.

Response to additional Information: Due to the size of the existing garage been so narrow, the LHA agree that this should not be considered an appropriate parking area. Therefore, whilst the off street parking capacity falls short of the recommended standard for a dwelling of this size, it is agreed that this proposal is likely to have a neutral impact on the street parking arrangement.

It is also mentioned in the information that the gate posts are intended to be altered to widen and improve the access onto the highway. It has been noted that the dropped kerbs will not require any widening but this work does have the potential to disturb the adjacent footway surfacing.

Recommend informative.

Third party responses

None received.

Publicity expiry

Site notice expiry date - 02 March 2022.



Photograph taken from Thorpe Lane showing rear and side elevations of Fern Dene; a three storey semi-detached stone under slate period property. To the side of the main house is a single width modern garage of brick construction with a private drive in front.



Photograph taken from Thorpe Lane showing rear elevation of Fern Dene together with its unattached neighbour; a similar property but of brick and clay tile construction.

Background

Fern Dene is an imposing and attractive semi-detached period property located on Thorpe Lane on the north eastern limb of Fylingthorpe. It is a three storey property constructed of natural stone under a slate roof with good quality architectural detailing. Like many properties on Thorpe Lane its principle elevation faces away from the road taking advantage of open views across the gardens and out to sea.

At the side of the property exists a relatively modern single garage of red brick construction with a metal door.

This application seeks full planning permission for the construction of a single storey lean-to extension to replace the garage providing a garden room/second reception room on a slightly large footprint. It is proposed to construct the extension using matching materials (part stone, part brick) with glazed front and rear elevations set in heavy timber framework. The side elevation forms the part-wall with the neighbouring garage and as such will not have any openings, nor will it be seen. Due to the limited opportunity for glazing in the elevations, it is proposed to fully glaze the lean-to roof using glass treated with a light reducing film or factory finish to reduce light spillage.

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 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 (Extensions and Alterations to Dwellings) states that it is important that side extensions are narrower in gable width than the main building and with a lower roof height. This retains the architectural integrity of the original building but also ensures that the extension is subservient to the main house. For similar reasons, side extensions should not be as wide as the main building frontage and side extension which project forward of the main building are unlikely to be acceptable.

Main issues

The main issues are considered to be whether the proposed extension is of a size, scale and design which are compatible with the host property and its setting. Consideration must also be given to whether the extension is acceptable in terms of neighbour/amenity impacts.

Although having a larger footprint than the existing garage (incorporating a small extension towards the road), the proposed extension is considered to be of an acceptable size and scale in relation to the host property. The simple lean-to design represents an enhancement to the overall appearance of the property and based on the fact it is a replacement of an existing structure and is fully glazed to all available

elevations, the development does not represent an increase in habitable floor area above 30% of the original.

However, the Local Highway Authority (LHA) expressed concern based on the reduction of parking (i.e. removal of the garage space and encroachment onto the driveway) caused by the proposal. In combination with an already inadequate parking provision for a substantial property and its location on Thorpe Lane which is known to suffer from congestion, refusal of the application was recommended.

The applicant's agent provided additional information in response to the LHA consultation response, explaining that the existing parking situation is poor and the garage is difficult to use due to the narrow drive and narrow door opening. The existing drive length (8.1m) is insufficient to accommodate two cars and consequently, the proposal is not believed to change the existing situation.

The LHA has considered the additional information and has confirmed that it is agreed that the garage should not be considered an appropriate parking area. Therefore, whilst the off street parking capacity falls short of the recommended standard it is agreed that this proposal is likely to have a neutral impact on the street parking arrangement. Furthermore, the alterations to the access width will represent an improvement, therefore no objections are offered.

The proposal is not anticipated to result in a significant or detrimental neighbour impact given it is in the most part a replacement structure. There will be no direct overlooking issues; nor will there be any overshadowing or overbearing impacts.

No other representations have been submitted. 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 areas of the application which required further information/clarification with the applicant's agent and requesting the submission of additional information 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.