

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2022/0097

Development description: demolition of conservatory, alterations and construction of single storey rear extension

Site address: Croft View, Thorpe Bank, Fylingthorpe

Parish: Fylingdales

Case officer: Mrs Helen Stephenson

Applicant: Mr & Mrs S & C Wright
Yew Tree House, 31 Grange Road, West Cowick, Goole, DN14 9EL

Agent: BHD Partnership
fao: Mr Tim Harrison, 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.	WPDR04	<p>Withdrawal of PD Part 1 Class A - Extensions Only (insert)</p> <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 Croft View shall take place without a further grant of planning permission being obtained from the Local Planning Authority.</p>
4.	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>
5.	MATS09	<p>Brickwork to Match</p> <p>All new brickwork utilised in carrying out the development hereby permitted shall match that of the existing building unless otherwise</p>

		agreed in writing with the Local Planning Authority.
6.	MATS17	<p>Natural Slate</p> <p>The roof of the development hereby permitted shall be clad in natural slate to match the roof of the existing building in terms of materials, colour and course height and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.</p>
7.	MATS46	<p>Window Frames in Reveals to Match Existing</p> <p>The external face of the frame to all new windows shall be set in reveals to match those of the existing windows and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.</p>
8.	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>
9.	MATS70	<p>Guttering Fixed by Gutter Spikes</p> <p>The guttering to the development hereby permitted shall be directly fixed to the stonework by means of gutter spikes with no fascia boarding being utilised in the development 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.	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 and Policy CO17 of the

		North York Moors Local Plan, which seek to enhance and conserve the special qualities of the National Park, secure high quality design for new development and to maintain a suitable mix of housing types within the National Park.
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 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.

Informatives

Informative number	Informative code	Informative text
1.	MISCINF01	<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>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>
3.	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

Object for the following reasons: 1. On the east side of the property it is encroaching onto Kingston Field. 2. The gate leading onto the ginnel which runs from Thorpe Bank to Maypole Green should not be blocked. We have received a letter from a Parishioner who has similar concerns

Third party responses

Name

Mr Stephen Mann of Halfpenny House, Maypole Green, Thorpe Green Bank - Looks very good. Very supportive of this project.

Mr Nigel Fenn of Braeside, Thorpe Bank, Fylingthorpe - The property in question is a second/holiday home which is commercially let through an agent. The owner is not resident there. I believe the site documents are not in line with the Title plan held by Land Registry as the previous owners built the storage shed and laid part of the patio on land held and forming part of Kingston Field (aka Kingston Garth). It appears that such alterations may establish this extension over time causing problems over land rights.

Publicity expiry

Site notice expiry date - 25 March 2022.



Rear elevation of Croft View taken from the access path at the side. The tall boundary wall screens much of the property from this aspect but the proximity and open views from Kingston Field of the rear elevation can be appreciated.



Rear elevation of Croft View as seen from the back garden. The lightweight polycarbonate roofed conservatory and part of the timber shed can be seen. (picture credit: agent).

Background

Croft View is an attractive traditional property located in the heart of Fylingthorpe Conservation Area at the upper (western) end of Thorpe Bank. The property is a semi-detached double fronted two storey dwelling of red brick construction under a slate roof. It is not a listed building but has good quality detailing and makes a positive contribution to the character of the area.

The property also backs onto the village field which is regarded as an important open space and therefore both the front and rear elevations of the property are subject to the restrictions of the Article 4(2) Direction.

This application seeks full planning permission for the replacement of a conservatory and lightweight store at the rear of the property with a single storey garden room and kitchen extension of improved design in order to reflect the character of the main house.

The proposal includes the removal of the existing lightweight uPVC conservatory and the construction of a lean-to garden room on the same footprint, retaining the dwarf walls. It is proposed to cover the roof with natural slate with 2no. conservation style rooflights. The rear elevation and side elevation are proposed to be glazed using uPVC framed sash windows which attempt to replicate traditional timber joinery.

The application also proposes the removal of the timber clad garden store which abuts the angled kitchen extension and the construction of a re-designed extension of ridge and gable construction on the footprint of the store to create a larger kitchen area. The existing kitchen extension is of mono-pitch design leading from the adjacent high stone boundary wall rather than the main house. The proposed alterations would improve this ad hoc arrangement by creating a traditional rear facing gable with the ridge running back to the main house. A valley would be formed between this and the remaining section of roof adjoining the boundary wall which would be dressed with lead. The extension would be constructed of brick, painted white to match the main house. It is also proposed to use uPVC windows of vertical sash design in the kitchen extension.

Policy Context

The relevant NYM Local Plan Policies to consider with this application are Strategic Policy C (Quality and Design of Development), ENV11 (Historic Settlements and Built Heritage) and Policy CO17 (Householder Development).

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 ENV11 requires new development to reinforce the distinctive historic character of the North York Moors by fostering a sympathetic relationship with traditional local architecture, materials and construction. Proposal must be of a high standard of design and seek to conserve, enhance or better reveal elements which contribute to the significance of a heritage asset (such as conservation areas and listed buildings) or its setting. Proposals will only be supported which conserve, enhance or better reveal elements which contribute to the significance of a heritage asset or its setting; conserve or enhance the special character and appearance of settlements including buildings, open spaces, trees and other important features that contribute to visual, historical or architectural character and; which respect the integrity of the form of historic settlements including boundary and spaces between buildings.

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.

Main issues

The main issues to consider with this application are whether the proposed alterations and extensions are of an acceptable design and scale in relation to the host property and wider conservation area setting. Consideration must also be given to the effect on neighbouring amenities.

Size, Scale, Design and Materials

The existing extensions at the rear of the property comprise a mixture of styles and designs which add very little to the character and appearance of the house. The proposed scheme is considered to maintain a subservient form but delivers an enhancement to the design and appearance of the rear elevation through the introduction of unified design, traditional roof materials and a simplified roof arrangement.

The Authority's Building Conservation Officer welcomes the redevelopment of the existing cluster of non-vernacular extensions and improved palette of materials. However, the Building Conservation Officer has recommended that the lead roof is omitted by reason of the fact it is not a traditional roofing material for domestic

properties and has also raised an objection to the use of uPVC framed windows. On the basis the rear elevation overlooks Kingston Field; an important open space within the conservation area, the restrictions of the Article 4(2) Direction also apply to this elevation.

The purpose of the Article 4(2) Direction is to halt any further decline to the loss of architectural features and the dilution of the distinctive character of our Conservation Areas. Where previous harm has been caused, the Authority seeks to support applications which propose to reinstate original features.

Although the existing joinery at ground floor level is not traditional, the first floor windows are high quality single glazed vertical sliding sash windows with fine glazing bars and detailing. Consequently, it is preferable to ensure that new development respects the original character and seeks to achieve an enhancement through the reintroduction of traditional design and construction materials. In addition to the superior aesthetics of timber framed windows, the Authority's building conservation Officer has also highlighted the environmental benefits of timber over uPVC which have a limited lifespan, no opportunity for repair and very poor sustainability records in terms of their manufacture and disposal.

Consequently, Officers requested that the application be amended to include traditional timber framed windows. However, the applicant's agent has written in support of the use of uPVC advising that the chosen style is of high quality and successfully replicates traditional timber sliding sashes. Examples of their use on other conservation areas were also raised. The applicant's agent therefore requested that Officers reconsider their use on this rear, south facing elevation (stating that paintwork is prone to sun damage) where evidence of poorer quality uPVC windows can be seen.

Officers have re-considered the proposed 'heritage style' of uPVC windows and whilst it is acknowledged that they are of higher quality appearance than many other versions, the introduction of a lower grade material and craftsmanship is regrettable. The Building Conservation Team maintain their objection. However, weighing up the planning matters and in view of the significant enhancements to the overall design and other materials used in the redevelopment of the extensions, the particular window style proposed is considered acceptable for use in the new development. However, it must be noted that due to the character of the main dwelling and quality of the existing windows within the main property, the use of these uPVC windows elsewhere would not be appropriate. For the avoidance of doubt, planning permission would be required for the replacement of the existing windows at the front and rear of the property.

Having regard to size and the 30% limit imposed by Policy CO17, the applicant's agent has provided the following calculations:

Total area of existing dwelling (ground and first floor) = 117.0 sq. m.

Allowable extension (30 % of 117 sq. m.) = 35.1 sq.m.

Area of proposed garden room = 9 sq. m.

Area of proposed kitchen = 12.925 sq. m.

Area of existing outbuildings, boiler and store = 2.75 sq. m.

Total area of extensions = 24.675 sq. m. which amounts to approximately 21% of the original dwelling.

Impact on neighbours

Due to the high boundary wall at the side of the property and the relatively modest, single storey nature of the proposals, the development is not anticipated to result in any overlooking or other loss of amenity to neighbouring occupiers.

Other matters

In response to the consultation process, the application has attracted two letters from third parties; one expressing support and one raising concerns and an objection from the Parish Council.

The neighbour raising concerns has advised that they believe the site documents are not in line with the Title plan held by Land Registry as the previous owners built the storage shed and laid part of the patio on land held and forming part of Kingston Field (aka Kingston Garth). Therefore, they consider that such alterations may establish this extension over time causing problems over land rights. The Parish Council have also cited this as one of their points of objection; the second stating that the gate onto the 'ginnel' should not be blocked.

Although land ownership is a civil matter, the above comments have been brought to the attention of the applicant's agent. The agent has responded providing confirmation that the applicants own all of the land as shown on the submitted drawings and the Land Ownership is verified by the attached Land Registry document and the red line on the plan which clearly indicates the same area as shown on the submitted plan drawing D12145 -01.

The proposed plans also show that the proposal would not have an impact on the existing gate (which is shown as retained on the proposed plan) but again, the applicant's agent has provided a statement advising that the applicants wish to confirm that they have no intention to block up the gate or access to "the ginnel" and such work is not shown on the submitted drawings.

In view of the above the proposal is considered to adequately meet the requirements of the above planning policies and the additional information supplied by the agent is considered to satisfactorily address the Parish Council's and neighbour's concerns. Furthermore, those concerns do not constitute material planning considerations and as such, it is considered that the application can be determined under the Authority's scheme of delegation.

There being no further comments, 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.