

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2021/0876/FL

Development description: removal of garage, construction of garden room, porch and link extension to store together with alterations to create annexe accommodation

Site address: Foulsyke House, Foulsyke Farm, Fylingdales

Parish: Fylingdales

Case officer: Mrs Hilary Saunders

Applicant: Mr & Mrs J & J Huitson
Foulsyke House, Foulsyke Farm, Fylingdales, Whitby, YO22 4QL

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:

Condition(s)

Condition number	Condition code	Condition text
1	TIME01	The development hereby permitted shall be commenced before the expiration of three years from the date of this permission
2	PLAN01	The development hereby permitted shall not be carried out other than in strict accordance with the following documents: Document Description Document No. Date Received Proposed plans and elevations - D12112-03 Rev I 17/3/2022 Garden room and link or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
3	RSU009	The accommodation hereby approved shall not be occupied as a separate independent dwelling and shall remain ancillary to the use of the main dwelling known as Foulsyke House and shall form and shall remain as part of the curtilage of this main dwelling as a single planning unit and shall be used only for

		members of the family of the occupier of the main dwelling.
4	GACS07	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.
5	MATS00	Any new slate to be used in the development hereby approved shall match those on the existing building (Welsh in origin) 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.
6	MATS00	The colour of all new external timber of the building hereby approved shall be stained dark brown and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
7	MATS00	No work shall commence on the installation of new windows (including glazing) in the development hereby approved until detailed plans showing the constructional details of all window frames to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Such plans should indicate, on a scale of not less than 1:20, the longitudinal and cross sectional detailing including means of opening. The window frames shall be installed in accordance with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
8	MATS00	No work shall commence on the installation of any door in the development hereby approved until detailed plans showing the constructional details and external appearance of all external doors and frames (including glazing) have been submitted to and approved in writing by the Local Planning Authority. All doors shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
9	MATS00	All new rain water goods required for the new kitchen in the redeveloped 'piggery'/outbuilding shall match those of the main dwelling in material and colour, and shall thereafter be so maintained in that condition in perpetuity unless otherwise

		agreed in writing with the Local Planning Authority.
10	MISC00	Any woody vegetation to be removed must only be cleared outside the bird breeding season unless first checked for bird nests by a suitably qualified ecologist

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	RSU009	The site is in a location where the occupation of the accommodation hereby permitted as a separate independent dwelling unit would be contrary to Strategic Policy M of the North York Moors Local Plan
4	GACS00	In order to comply with the provisions of Strategic Policy A and ENV4 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 or the character of the locality, and so that development helps maintain the National Park's status as an international dark sky reserve.
5	MATS01	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.
6-9	MATS02	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.

10	MISC00	In order to comply with the provisions of Strategic Policy H of the North York Moors Local Plan which seeks to protect species protected under national and international legislation.
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Informative(s)

Informative number	Informative code	Informative text
1	MISC INF06	<p>Development in Accordance with Listed Building consent</p> <p>Listed Building consent has also been granted for this development. You are advised to obtain sight of the notice of Listed Building consent and the approved plans and ensure that the development is carried out strictly in accordance with the approved plans and the terms and conditions of the Listed Building consent.</p>
2	MISC INF01	<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

No objections

Highways

No objections The LHA do have concerns regarding the access onto the A171 associated with this address. However, on the clear understanding that this application will be conditioned to remain ancillary to the main residence, it would not be anticipated that there would be any significant intensification of traffic using this access.

Natural England

No comment

Third party responses

None

Publicity expiry

Advertisement expiry date 16 December 2021

Farm group at Foulisyke – buildings to the left are holiday cottages. Lean-to on gable end to be replaced with garden room



Lean-to to be replaced with garden room



Building to be linked and converted to annex



Background

Foulsyke House is situated in an isolated location, accessed just off the A170, a little north of the Flask Complex. The farmhouse is a Listed Building and consequently, the adjacent traditional agricultural buildings are listed as curtilage buildings.

This application relates to the main house and seeks permission to removal of garage, construction of garden room, porch and link extension to store together with alterations to create annexe accommodation

The scheme has been amended through negotiations with Officers as follows:-

The Porch has been reduced to a simple Weather Porch, just large enough for the doors. And will be finished externally with timber and kept low to avoid conflicting with the house eaves detail. The WC has been moved to below the stair in the smaller 'Downhouse' Lounge

The Garden Room has been revised to a simple Lean-to and finished with dark stained timber. Glazing to the North would be recessed, to the East has sliding shutters, to the South with hinged shutters.

The link has been reduced in size to act as a simple contemporary glass box. The connecting element of the Link would be set 700mm in reveal to ensure there is no impact on the front elevation of the House.

Main issues

Local Plan

Strategic Policy C- Design - seeks to maintain and enhance the distinctive character of the National Park, and states that development will only be supported where it is of a high quality design; incorporates good quality construction materials and design details that reflect architectural character and form of the original building or the local vernacular; the siting, orientation, layout and density complement existing buildings; the scale, height, massing and form are compatible with surrounding buildings and not have an adverse impact upon the amenities of adjoining occupiers; sustainable design and construction techniques are incorporated; there is a good quality landscaping and planting scheme; local wildlife and biodiversity is enhanced; provision is made for adequate storage, cycling facilities and car parking are provided and the proposal ensures the creation of an accessible, safe and secure environment for all potential users.

Strategic Policy I - The Historic Environment - seeks to ensure that developments affecting the historic environment should make a positive contribution to the cultural heritage and local distinctiveness of the National Park and that development should conserve heritage assets and their setting in a manner appropriate to their significance, especially those assets which contribute most to the distinctive character of the area.

Policy CO17 - Householder Development - seeks to ensure that development within the domestic curtilage of dwellings should take full account of the character of the local area, the special qualities of the National Park and will only be permitted where the scale, height, form, position and design do not detract from the character and form of the original dwelling or its setting in the landscape; does not adversely affect the residential amenity of neighbouring occupiers and reflects the principles outlined in the Authority's Design Guide.

In the case of extensions and alterations to the existing dwelling, any extension should be clearly subservient to the main part of the building and should not increase the total habitable floorspace by more than 30% unless there are compelling planning considerations in favour of a larger extension; the design and detailing should complement the architectural form and character of the original dwelling.

Policy ENV11 – Historic Settlements and Built Heritage - This policy seeks to resist development that results in loss of or harm to the significance of designated and other heritage assets of national importance. In order to accept any loss or harm proposals will be required to present clear and compelling justification for the development, including the public benefits which will arise from the proposal. This includes assets

which are recognised through formal designation such as Listed Buildings and Conservation Areas which benefit from statutory protection, but also non-designated assets of local or regional significance that contribute to the special qualities of the National Park.

Material Considerations

The scheme has been amended in accordance with comments made by the Building Conservation Team in order that the development respects the historic fabric and character of the host dwelling.

The proposed lean-to garden room replaces an existing lean-to garage and would be designed with timber shutters over the windows to reduce reflection and light spill. The property has not been previously extended, other than the garage lean-to which is being replaced. The proposed increase in floorspace from the garden room and link would represent a 10% increase in floorspace which is well within the limits of Policy CO17.

In conclusion the proposal is considered to be in keeping with the host property and would not detract from its historic interest or the character of the wider landscape.

Consequently, approval is recommended.

Pre-commencement conditions

N/A

Explanation of how the Authority has worked positively with the applicant/agent

Approval (Amendments Requested and Received)

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and recommended changes to the proposal including amendments to the garden room design and the link, so as to deliver sustainable development.