

# North York Moors National Park Authority

## Delegated decision report

**Application reference number:** NYM/2022/0598

**Development description:** subdivision of property to dual use as either residential annexe or holiday letting accommodation together with alterations and construction of single storey extension

**Site address:** Orchard House, The Bolts, Robin Hoods Bay,

**Parish:** Fylingdales

**Case officer:** Mrs Jill Bastow

**Applicant:** Mr David Gallagher

Ochard House, The Bolts, Robin Hoods Bay, Whitby, North Yorkshire, YO22 4SG

**Agent:** Reed Design

fao: Mr Steven Reed, 5 Larpool Mews, Larpool Drive, Whitby, North Yorkshire, YO22 4NF

## 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	<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></td> <td>9 Aug 2022</td> </tr> <tr> <td>Proposed Plan</td> <td>DG030</td> <td>9 Aug 2022</td> </tr> <tr> <td>Ground Floor Plans</td> <td>DG020</td> <td>9 Aug 2022</td> </tr> <tr> <td>Ground Floor Plans</td> <td>DG020a</td> <td>9 Aug 2022</td> </tr> <tr> <td>Proposed Ground Floor Plans</td> <td>DG026</td> <td>9 Aug 2022</td> </tr> <tr> <td>First Floor Plans</td> <td>DG021</td> <td>9 Aug 2022</td> </tr> <tr> <td>Second Floor Plans</td> <td>DG022</td> <td>9 Aug 2022</td> </tr> <tr> <td>Proposed Front Elevation</td> <td>DG024</td> <td>9 Aug 2022</td> </tr> <tr> <td>Proposed Rear Elevation</td> <td>DG029</td> <td>9 Aug 2022</td> </tr> <tr> <td>End Elevation</td> <td>DG028</td> <td>9 Aug 2022</td> </tr> <tr> <td>Statement of Intent</td> <td></td> <td>30 Aug 2022</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		9 Aug 2022	Proposed Plan	DG030	9 Aug 2022	Ground Floor Plans	DG020	9 Aug 2022	Ground Floor Plans	DG020a	9 Aug 2022	Proposed Ground Floor Plans	DG026	9 Aug 2022	First Floor Plans	DG021	9 Aug 2022	Second Floor Plans	DG022	9 Aug 2022	Proposed Front Elevation	DG024	9 Aug 2022	Proposed Rear Elevation	DG029	9 Aug 2022	End Elevation	DG028	9 Aug 2022	Statement of Intent		30 Aug 2022
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3	RSU000	<p>The dwelling unit hereby permitted shall either be used for holiday letting purposes or as a residential annexe and shall not be occupied as a separate independent dwelling and shall form and shall remain as part of the curtilage of the main dwelling known as Orchard House as a single planning unit.</p> <p>For the purpose of this condition 'residential annexe' means to be used only for members of the family of the occupier of the</p>																																				

		<p>main dwelling.</p> <p>For the purpose of this condition ‘holiday letting’ means letting to the same person, group of persons or family for period(s) not exceeding a total of 28 days in any one calendar year.</p>
4	WPDR04	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 further extensions shall take place without a further grant of planning permission being obtained from the Local Planning Authority.
5	MATS12	The finish of the walls to be rendered shall match the existing render in colour and texture and thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority. Such rendering and colouring is to be completed no later than one month after the development hereby permitted being first brought into use.
6	MATS15	The roof of the development hereby permitted shall be clad with traditional, non interlocking, non pre-coloured natural red clay pantiles and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
7	MATS60	All new window frames, glazing bars, external doors and door frames shall be of timber construction and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

**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	RSU000	The site is in a position where the occupation of the accommodation hereby permitted as a separate independent dwelling unit would be likely to be detrimental to the residential amenities of existing and future occupiers of the annexe and

		main dwelling in accordance with Policies C017 and C018 of the North York Moors Local Plan.
4	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 North York Moors Local Plan Strategic Policies A and C, which seek to enhance and conserve the special qualities of the National Park and secure high quality design for new development and Policy C017 of the which seeks to limit the size of new extensions so as to avoid the loss of smaller more affordable dwellings in the National Park.
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 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	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 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.
7	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.

## Consultation responses

### Parish

No comments received

### Highways

No objections

### Natural England

No comments received

### Environmental Health

No objections

### Third party responses

No comments received

### Publicity expiry

Advertisement/site notice expiry date: 15 September 2022

Front elevation of Orchard House from the south



Front elevation showing existing door to be replicated for new door to annexe/holiday cottage





## Background

Orchard House lies on the west side of the steep road leading down to lower Robin Hoods Bay. It is situated at the western end of a terrace of properties and originally was two separate properties until they were merged to form a single dwelling mid 20<sup>th</sup> century. In 1983 the outbuilding at the western end was converted to provide a kitchen.

The property is not a listed building although it is an attractive building within the conservation area.

Planning permission is sought for its subdivision into two separate into a dwelling and creating a two bedroom residential annexe for the applicant's son or a holiday letting cottage. To facilitate this a new front door is proposed to the front elevation to match the existing. No other external alterations are proposed.

To the western end a single storey extension is proposed to provide a home office to serve the host property. This has been amended since it was originally proposed in 2020 and is much smaller and sympathetic in design to the host building.

## Main issues

The most relevant policies of the Local Plan are considered to be Policy ENV11 (Historic Settlements and Built Heritage), Policy UE1 (Location of Tourism and Recreational Development), Policy CO17 (Householder Development) and Policy CO18 (Residential Annexes).

Policy ENV11 requires development affecting the built heritage of the North York Moors to reinforce its distinctive historic character by fostering a positive and sympathetic relationship with traditional local architecture, materials and construction. High standards of design are expected so as to conserve and enhance the built heritage, settlement layouts and distinctive historic, cultural and architectural features.

Policy UE1 states that tourism and recreation development will only be permitted where it is located in Helmsley or within the main built up area of one of the villages listed in Strategic Policy B of which Robin Hoods Bay is identified as a Larger Village.

Policy CO17 requires the scale, height, form, position and design of the new development not to detract from the character and form of the original dwelling or its setting in the landscape. Development proposals should not adversely affect the residential amenity of neighbouring occupiers or result in inadequate levels of amenity for the existing dwelling.

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.

Policy CO18 is permissive of residential annexes only where the development is located within the domestic curtilage and is ancillary to the main dwelling in terms of its scale, specification and proposed use, and there is a clear functional need for the ancillary accommodation. All proposals should also meet the requirements of Policy CO17.

The principle of subdividing the existing dwelling back into two smaller two-bedroom dwellings for use as either a residential annexe or a holiday letting cottage is acceptable under policies UE1 and CO18. The property lies within the main built-up area of Robin Hoods Bay and the proposal utilises an existing building which makes a positive contribution to the character and appearance of the conservation area.

The only external alteration proposed to the host building to facilitate its subdivision into two dwellings is the addition of another front door. This will be an exact replica of the existing front door and overall the property will appear as a pair of terraced cottages as they were originally, and reflect the remainder of the terrace.

The proposed single storey side extension to the existing dwelling to provide a home office meets the criteria of Policy CO17. The size has been reduced and the design amended since the previous submission in 2020. The increase in habitable floorspace is less than 30% and extension would be subservient to the host building. The form and design reflects that of a modest outbuilding such as a 'potting shed' sitting perpendicular to the host building with a small link and limited openings. Low transmission film is proposed to reduce light pollution and increase privacy.

Adequate amenity space is available to serve both the original dwelling and the proposed residential annexe/holiday cottage. Furthermore the proposal will not have an adverse impact on the amenities of the occupiers of neighbouring properties.

In view of the above the proposal is considered to comply with the relevant policies of the Local Plan and approval is recommended.

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

The Local Planning Authority has acted positively in determining this application by assessing the scheme against the Development Plan and other material considerations and subsequently granting planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.