

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2021/0551/FL

Development description: construction of single storey rear extension following demolition of existing extension

Site address: Finisterre, Mount Pleasant North, Robin Hoods Bay

Parish: Fylingdales

Case officer: Mrs Jill Bastow

Applicant: Mrs Rebecca Robinson
Finisterre, Mount Pleasant North, Robin Hoods Bay, Whitby, YO22 4RE

Agent: Michael Miller, 16 Park View, Glaisdale, Whitby, YO21 2PP

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>Floor Plans as Proposed</td> <td>408/11</td> <td>27 Sept 2022</td> </tr> <tr> <td>Elevations as Proposed I</td> <td>408/12</td> <td>27 Sept 2022</td> </tr> <tr> <td>Elevations as Proposed II</td> <td>408/13</td> <td>27 Sept 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	Floor Plans as Proposed	408/11	27 Sept 2022	Elevations as Proposed I	408/12	27 Sept 2022	Elevations as Proposed II	408/13	27 Sept 2022
Document Description	Document No.	Date Received												
Floor Plans as Proposed	408/11	27 Sept 2022												
Elevations as Proposed I	408/12	27 Sept 2022												
Elevations as Proposed II	408/13	27 Sept 2022												
3	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 to the dwelling shall take place without a further grant of planning permission being obtained from the Local Planning Authority.												
4	MATS26	The external elevations of the extension hereby approved shall, within three months of first being brought into use, be clad in horizontal timber boarding to match the existing building and shall thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority.												
5	MATS17	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.												
6	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	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 CO17 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.
4	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.
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 the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.

Informative(s)

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

No objection to original proposals.

No comments received with regard to the amended proposals.

Natural England

No comments received

Coastal Officer

No objection. Comments that there was a similar situation in Filey when a property owner did some rebuild work to allow them to continue occupying the house and that may be classed as Coastal adaptation in a challenging situation; perhaps this is a similar scenario.

Third party responses

Mrs June Hinde, Maytree, Mount Pleasant North, Robin Hoods Bay – supports the application subject to a condition requiring the access road to be maintained and repaired should any damage occur due to being used by building construction / delivery vehicles.

Publicity expiry

Re-consultation expiry date: 21 October 2022

Front elevation of Finisterre



View of rear elevation from Cleveland Way with existing side extension to be demolished and the position of the proposed extension along the rear boundary



View from entrance to property with position of proposed extension beyond parked vehicles, along the rear boundary



Background

This application relates to a detached property, Finisterre, which lies at the very eastern end of Mount Pleasant North in Robin Hoods Bay. The property sits on the cliff edge overlooking the bay and is predicted to be one of several properties in this area at risk of loss in the next 100 years, possibly sooner given the recent landslides in this area and the increased erosion rate. As such the applicants wish to rebuild the eastern most part of their property which lies closest to the cliff further back into the site.

Finisterre was originally a pair of semi-detached properties until 2002 when the accommodation provide by Class-Tae (the eastern most half) was incorporated into Finisterre. The proposal is to demolish what was Class-Tae and build a single storey extension of a similar size, scale and form to the rear of Finisterre to provide a dining kitchen, utility room and music room, with a glazed link between the extension and the hoist building.

Main issues

Local Plan

Policy CO17 supports proposals for development within the domestic curtilage of dwellings where the scale, height, form, position and design of the new development would not detract from the character and form of the original dwelling or its setting in the landscape; the development would not adversely affect the residential amenity of neighbouring occupiers or result in inadequate levels of amenity for the existing dwelling; and the development reflects the principles outlined in the Authority's Design Guide. In addition extensions to dwellings must 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; and the design and detailing should complement the architectural form and character of the original dwelling and any new roofline should respect the form and symmetry of the original dwelling.

Discussion

It is acknowledged that there is a need to rebuild the eastern half of the property given the coastal erosion in this area and there is no objection to that in principle or to a modest increase in the floorspace provided.

The proposed replacement extension would provide 45.95 sq.m habitable floorspace compared to the 44.8 sq.m that would be lost with the demolition of the original Class-Tae. Such a negligible increase in floorspace is considered well within the threshold set by Policy CO17.

Since originally submitted the proposed replacement extension has been significantly altered: it has reoriented through 90 degrees so that it reflects the roofline of the host

building and the existing extension, and the gable has been reduced so that the roof pitch matches that of the main dwelling but with a lower ridge height. The first floor accommodation has as a consequence, been omitted.

As such it is considered that the proposed extension is small in scale and subservient to the original building. The materials and detailed design reflect that of the original building and the existing extension to be demolished with horizontal timber boarding, natural slate and timber doors and windows to match.

In conclusion it is considered that the amended proposal would reflect the architectural form and character of the original dwelling whilst being subservient to it and as such is considered to satisfy the criteria of Policy CO17.

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 matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal 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.