

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2022/0900

Development description: Variation of condition 2 (material amendment) of planning approval NYM/2021/0387/LB to change the balcony material from wood to wood with metal and an alteration to the design of the windows and doors associated with the extension on the rear/east facing elevation (retrospective).

Site address: The Cottage, Sneaton Hall, Sneaton

Parish: Sneaton

Case officer: Miss Victoria Flintoff

Applicant: Mr Ahsen Bhatti

The Cottage, Sneaton Hall, Sneaton, North Yorkshire, YO22 5HP

Agent:

Director of Planning's Recommendation

Approval subject to the following:

Condition(s)

Condition number	Condition code	Condition text									
1	TM01	The development hereby permitted shall begin not later than three years from the date of this decision.									
2	PL01	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Document Description</p> <table><thead><tr><th>Document/Drawing No.</th><th>Rev. No</th><th>Date Received</th></tr></thead><tbody><tr><td>Proposed Elevation & Plan (Roadside/West Facing Elevation Only)</td><td>B</td><td>14 February 2022</td></tr><tr><td>Proposed Elevation (Rear/East Facing Elevation Only)</td><td>B</td><td>16 February 2023</td></tr></tbody></table>	Document/Drawing No.	Rev. No	Date Received	Proposed Elevation & Plan (Roadside/West Facing Elevation Only)	B	14 February 2022	Proposed Elevation (Rear/East Facing Elevation Only)	B	16 February 2023
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		Oil Tank Screening Shed Details	B 16 November 2021 23 February 2022
3	BCMT09	No work shall commence on the installation of any fenestration element on the development hereby approved until detailed plans showing the constructional details and external appearance of all external elements, including frames and glazing, have been submitted to and approved in writing by the Local Planning Authority. Such plans should indicate the overall fenestration design on a scale of not more than 1:20, the longitudinal and cross-sectional detailing including means of opening at a scale of not more than 1:5, and moulding details (i.e., frame, glazing bar) at a scale of not more than 1:2. All fenestration elements shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.	
4	AC20	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 Dark Skies compliant, and no other lighting shall be installed on the site. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.	
5	GPMT26	All rainwater and foul water goods utilised in the development hereby permitted shall be coloured black and shall thereafter be so maintained in that condition in perpetuity.	
6	GPMT23	The guttering to the development hereby permitted shall be directly fixed to the masonry by means of gutter spikes located within the mortar joint with no fascia boarding being utilised in the development and shall thereafter be so maintained in that condition in perpetuity.	

Reason(s) for condition(s)

Reason number	Reason code	Reason text
1	RSN TM01	To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2	RSN PL01	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	RSN BCMT02	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	RSN AC01	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 that does not detract from the quality of life of local residents; in accordance with Policy ENV4 which seeks to protect dark night skies.
5-6	RSN GPMT02	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	MC INF01	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.
2	MC INF 12	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

		<p>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 the Gov.UK web site (http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/speciallyprotectedbirds.aspx). Further information on wildlife legislation relating to birds can be found on the Royal Society for the Protection of Bird's web site (https://www.rspb.org.uk/birds-and-wildlife/advice/wildlife-and-the-law/wildlife-and-countryside-act/#:~:text=All%20birds%2C%20their%20nests%20and,in%20ouse%20or%20being%20built.).</p> <p>If advice is needed, please contact the National Park Authority's Conservation Department on 01439 772700 or conservation@northyorkmoors.org.uk.</p>
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Consultation responses

Publicity expiry
23 February 2023

Rear Elevation of Sneaton Cottage:

Showing the amended windows and doors within and above the extension at the rear. Timber balcony to sit on top of the extension. The new stone does not match the host dwelling in terms of coursing and style. The porch behind the extension has had an unauthorised replacement window and door.



Roadside elevation of Sneaton Cottage:

Both the new central window on first floor and mock sash are contrary to the original approved plans. Enforcement to monitor the replacement of windows on the roadside.



Background

The Cottage originally formed part of the curtilage of Sneaton Hall which is a Grade II Listed Building. This range of buildings at the rear of the Hall was converted in the 1980's into residential units. The cottages are accessed at the rear from a shared track.

Planning permission and Listed Building Consent were granted in 2016 to sub-divide an existing dwelling to create an additional unit of accommodation to provide a holiday cottage, along with internal alterations. Planning permission was granted in 2020 to allow the holiday accommodation to be rented out as either a holiday let or used as part of the main dwelling as a single residential unit.

The property has seen several unsympathetic alterations including the installation of uPVC windows and the construction of a rear flat roof rear extension, similar to others along the back of the cottages. The roof slates have also been replaced without authorisation using Spanish slate rather than the preferred Welsh slate.

This application seeks to vary condition 2 of application NYM/2021/ 0379FL, which was an approval for the enlargement of the existing single storey rear extension with a balcony above, together with the partial demolition of the existing garage, siting of oil tank, timber shed and bin store with associated screening.

Main issues

Policy Context

The relevant policies contained within the North York Moors Local Plan to consider in relation to this application are Strategic Policy C (Design), Strategic Policy I (The Historic Environment) and Policy ENV11 (Historic Settlements and Built Heritage).

Strategic Policy C relates to the quality and design of the development within the National Park. The policy seeks to ensure that proposals maintain and enhance 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.

Strategic Policy I states that all developments affecting the historic environment should make a positive contribution to the cultural heritage and local distinctiveness of the National Park through the conservation and, where appropriate enhancement of the historic environment.

Policy ENV11 relates to historic settlements and reaffirms that development affecting the built heritage of the North York Moors should reinforce the distinctive character by fostering a positive and sympathetic relationship with vernacular architecture, culture, materials, and construction. This includes assets recognised through statutory

designation such as Listed Buildings and Conservation Areas, but also non-designated assets of local or regional significance. Protection extends to the whole building, its curtilage, and certain structures within its domain. This policy seeks to resist development that results in the loss or harm to the significance of heritage assets.

The Authority has a statutory duty to protect Listed Buildings within the Park as they form part of the special architectural and historic interest of the North York Moors. These buildings are an irreplaceable representation of the history and culture of the National Park and their considerable importance cannot be replaced. The Authority has a general duty in respect of Listed Buildings, as set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which states that in considering whether to grant planning permission which affects a Listed Building or its setting, special regard should be given to the desirability of preserving the building, setting or any features of special architectural or historic interest which it possesses.

Section 16 of the National Planning Policy Framework (NPPF) considers how proposals may conserve and enhance the historic environment and seeks to ensure any harm is avoided or mitigated. Proposals should include a positive strategy for conservation with the desirability of sustaining and enhancing the significance of heritage assets by putting them to viable uses, understanding the wider social, cultural, economic, and environmental benefits, considering the character of a place (Paragraph 190) and demonstrating the positive contribution to communities (Paragraph 197). Any harm or loss to the asset should require clear and convincing justification and any substantial harm should be refused unless it can be demonstrated that the public benefits and optimum viable use outweigh the harm to the heritage asset (Paragraph 202).

Material Considerations

This application seeks to vary condition 2 (material amendment) of the planning approval gained in 2021 which includes the plans and elevations for the enlargement of the existing single storey rear extension with the construction of a balcony above, together with the partial demolition of the existing garage, siting of oil tank and bin store with associated screening and the erection of a timber shed. The amended proposal seeks to vary the balcony from timber to glass.

Whilst balconies are generally deemed uncharacteristic for traditional buildings in the National Park, the principle of a balcony was accepted on the basis that there was already a flat roof extension to site the balcony on, that there have already been several unsympathetic alterations to the building, and that it was comprised of timber to prevent the introduction of another uncharacteristic material within the range of outbuildings. The land to the rear of the cottage also consists of shared amenity space with no clear subdivision or boundary treatments for privacy and which are currently overlooked by the range of cottages and nine apartments within Sneaton Hall. As such, it was not felt that the construction of a balcony at this site would have any additional negative impact upon the amenity levels of neighbouring occupiers.

A timber balcony was also accepted with the understanding that other enhancements would be made to the property. This primarily included the replacement of windows on the roadside elevation in favour of simple timber casements without cills which would reduce the negative impact of an accumulation of unsympathetic alterations on the dwelling. However, following a site visit, the door on this elevation has already been replaced with a mock sash window and a new window has been created on the first floor, both of uPVC. Whilst these openings were approved as part of the original application, details were supposed to be discharged as part of condition 3.

Other works have also been undertaken which deviate from the original approved plans including the windows and doors within and above the extension. Furthermore, a door in the porch to the rear has been replaced and the coursing and style of the stonework does not accurately reflect that of the host dwelling in accordance with condition 4.

In view of the above, whilst the principle of the balcony is still acceptable, Section 135 of the NPPF notes that local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Despite several historic unsympathetic alterations, the application provided an opportunity to improve the character of the property, so any new detailing needs to be considered carefully and unfortunately the works carried out have not had a positive impact. It is for this reason that glass on the balcony cannot be accepted as well as the alterations to the roadside.

Following discussions with the applicant, it was agreed that a combination of timber and metal could be used for the balcony where metal is primarily the supporting structure and timber is still the predominant material with a hit and miss post design to prevent having a solid mass at the rear which would detract from the adjoining Listed building. It was agreed that as part of this application the applicant could regularise the windows and doors surrounding the extension along with the stonework. However, alterations to the roadside elevation should still be in accordance with the original approval which is why condition 2 specifies the approved plans. The Authority's enforcement team are assessing the unauthorised works to the porch at the rear and the windows on the roadside should be monitored and replaced with timber casements in due course as per the original approved plans with details discharged (condition 3) prior to the commencement of further works. There is an opportunity to enhance this property with future alterations.

Conclusion

Whilst the unauthorised works to the roadside elevation and porch will be considered by enforcement, the amended plans within this application now reflect the fenestration pattern at the rear and the design of the proposed balcony. In view of the above, the proposed variation adheres to Strategic Policy C, Strategic Policy I and Policy ENV11 of the Authority's adopted policies, set out within the Local Plan. Therefore, the application is recommended for approval.

Pre-commencement conditions

N/A

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

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and confirmed to the applicant/agent that the development is likely to improve the economic, social, and environmental conditions of the area.