

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2023/0056

Development description: variation of conditions 2 (material amendment), 5 and 6 of planning approval NYM/2022/0671 to allow the installation of uPVC windows, omission of bi-fold doors and replacement with two windows together with installation of flue

Site address: The Old Dairy, 126B High Street, Hinderwell

Parish: Hinderwell

Case officer: Miss Lucy Gibson

Applicant: Mr J Bargh

The Old Dairy, 126B High Street, Hinderwell, Saltburn, TS13 5ES

Agent: William Henderson

12 Willow Close, Saltburn, TS12 1PB

Director of Planning's Recommendation

Approval subject to the following:

Condition(s)

Condition number	Condition code	Condition text													
1	TM10	The development hereby permitted shall be commenced before the 16 November 2025.													
2	PL01	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1"> <thead> <tr> <th>Document Description</th> <th>Document/Drawing No.</th> <th>Date Received</th> </tr> </thead> <tbody> <tr> <td>Location plan</td> <td>N/A</td> <td>07 September 2022</td> </tr> <tr> <td rowspan="3">Proposed plans</td> <td>676 - 05 Rev A</td> <td>18 October 2022</td> </tr> <tr> <td>676 - 04 Rev B</td> <td>30 January 2023</td> </tr> <tr> <td>676 - 06 Rev B</td> <td>30 January 2023</td> </tr> </tbody> </table>	Document Description	Document/Drawing No.	Date Received	Location plan	N/A	07 September 2022	Proposed plans	676 - 05 Rev A	18 October 2022	676 - 04 Rev B	30 January 2023	676 - 06 Rev B	30 January 2023
Document Description	Document/Drawing No.	Date Received													
Location plan	N/A	07 September 2022													
Proposed plans	676 - 05 Rev A	18 October 2022													
	676 - 04 Rev B	30 January 2023													
	676 - 06 Rev B	30 January 2023													
3	PDR02	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 property known as [insert] shall take place without a further grant of planning permission being obtained from the Local Planning Authority.													
4	MCO0	<p>Roof Tiles to Match Existing</p> <p>The roof tiles utilised in carrying out the development hereby permitted shall match those of the existing building unless otherwise agreed in writing with the Local Planning Authority.</p>													
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	AC21	No up-lighting shall be installed on the development hereby permitted. Any external lighting installed on the development hereby approved shall be Dark Skies compliant and no other lighting shall be installed on the site. 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.
--	--	--

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 PD01	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 and secure high quality design for new development and to maintain a suitable mix of housing types within the National Park.
4-5	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.
6	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.

Informative(s)

Informative number	Informative code	Informative text

1	MC INF00	With reference to condition no. 6 above, further advice and guidance in relation to suitable external lighting fixtures is available on the Authority's website: https://www.northyorkmoors.org.uk/discover/darkskies/darkskies-friendly-lighting or by contacting the Authority at planning@northyorkmoors.org.uk <mailto:planning@northyorkmoors.org.uk>
---	----------	--

Consultation responses

Parish

No objections

Highways

No objections

Third party responses

None received.

Publicity expiry

Advertisement/site notice expiry date: 03 March 2023



This photograph shows the existing dwelling known as 126B The Old Dairy, Hinderwell. The store to be converted is the attached building located to the corner of the dwelling and attached garage. The workshop to be converted is located to the rear of this.

Background

126 B The Old Dairy is a converted stone and pantile barn/agricultural building located to the rear of Newton Farm, which is adjacent to the war memorial in the centre of Hinderwell. The dwelling is located in a courtyard, stepped back from the main highway. Planning permission was granted for the conversion of the building in 1988 and the dwelling now occupies the southern element of the L shaped range, with a modest domestic garden to the rear.

The dwelling is characterised by a large rear lean-to brick extension, which is currently occupied by a workshop. The dwelling and the workshop are attached to a redundant store, with an attached garage north of this.

In 2022, planning permission was granted (NYM/2022/0671) for alterations to and construction of pitched roof over existing workshop and alterations to store and void above garage to facilitate use as additional living accommodation.

This application seeks permission to vary condition 2 and remove conditions 5 and 6 of the previous approval, to allow the installation of a flue to the garden room, the installation of uPVC windows and the removal of the bifold door to the rear elevation of the garden room in favour of 2 no. uPVC windows.

Main issues

Local Plan

The most relevant policies contained within the NYM Local Plan to consider with this application are Strategic Policy C (Design) 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 CO17 states 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 be permitted where among other things, the form position and design of the new development does not detract from the character and form of the original dwelling or its setting in the landscape. This policy also states that any extension should be clearly subservient to the main part of the building and should not increase the total habitable floor space by more than 30% unless there are compelling planning considerations in favour of a larger extension.

Discussion

The proposed amendments to the previously approved scheme include the removal of conditions 5 and 6 to allow for the installation of uPVC windows. Whilst the Authority favour the use of traditional materials such as timber, as outlined in Part 2 of the Authority's Design Guidance, there are existing uPVC windows in the property which were installed under permitted development.

The other alterations proposed are the installation of a flue in the rear garden room extension. The flue would sit lower than the ridge of the host dwelling and as such, would not detract from the appearance of character of the site or surrounding area. Further to this, it is proposed for the bifold door to the rear of the garden room extension to be omitted in favour of 2 no. uPVC windows in sage green, to match those to be installed in the main dwelling.

No objections have been raised in response to the application and the amendments are unlikely to affect neighbouring residents. As such, it is considered that the development is in accordance with the Authority's Adopted Policies and as such, approval is recommended.

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.