

# North York Moors National Park Authority

## Plans list item 5, Planning Committee report 07 September 2023

**Application reference number:** NYM/2023/0394

**Development description:** Variation of condition 4 of planning approval NYM/2019/0347/FL to allow the installation of heritage style uPVC windows to the front elevation together with submission of stone sample to discharge condition 8

**Site address:** Grove Cottage, Thorpe Bank, Fylingthorpe

**Parish:** Fylingdales

**Case officer:** Miss Emily Jackson

**Applicant:** Mrs Alison Calvert, Grove Cottage , Thorpe Bank, Fylingthorpe, Whitby, YO22 4UA

**Agent:** PD Design Consulting Limited fao: Mr Paul Draper, Old Station Masters House, East Cowton, Northallerton, DL7 0DS

### Director of Planning's Recommendation

Approval subject to the following:

#### Condition(s)

Condition number	Condition code	Condition text
1	PL01	The development hereby permitted shall be carried out in accordance with the following approved plans: Document Description Drawing No. Date Received Proposed Window Details W-01 P1 21 June 2023 Proposed visibility splays & sections P-02 P5 7 August 2023 Proposed garage details P-03 P2 7 August 2023 Proposed Street Scene Sections P-4 P2 9 October 2019 or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
2	MC00	All new stonework and roofing tiles used in the development hereby permitted shall match those of the existing building, including the colour and texture of the stone and the method of coursing, pointing, jointing and mortar mix unless otherwise agreed with the Local Planning Authority.

<b>Condition number</b>	<b>Condition code</b>	<b>Condition text</b>
3	MC00	All new window frames and glazing bars to be installed in the front (roadside) elevation of the development hereby approved shall be in accordance with the approved plans, but notwithstanding the details in the approved plans shall be coloured white and maintained in that condition in perpetuity.
4	BCMT09	No work shall commence on the installation of any fenestration element in 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.
5	GPMT20	External trickle vents shall not be incorporated into any new windows hereby approved and shall not be installed thereafter.
6	MC00	All pointing in the development hereby permitted shall accord with the following specification - a lime mortar mix of 1:2½ (lime; sand (sand mix of 50% sieved sharp sand and 50% builders sand) with a slightly recessed bagged finish.
7	MC00	The guttering to the development hereby permitted shall be directly fixed to the stonework by means of gutter spikes with no fascia boarding being utilised in the development and shall thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
8	MC00	The rainwater goods utilised in the development hereby permitted shall be coloured black and shall thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
9	MC00	No work shall commence on the construction of the replacement front boundary wall hereby permitted until details of the stonework, including samples if so required by the Local

Condition number	Condition code	Condition text
		<p>Planning Authority, to be used for the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The stonework used shall accord with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed with the Local Planning Authority.</p>
10	MC00	<p>Prior to any works commencing in relation to the re-location of the proposed access, unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:</p> <ul style="list-style-type: none"> <li>• The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.</li> <li>• The existing access shall be improved by providing a footway crossing repositioned as shown on the approved details and constructed in accordance with standard detail E6W. The narrow footway downhill of the access shall be extended to the revised location of the access.</li> <li>• That part of the access extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 10.</li> <li>• The final surfacing of any private access within one metre of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.</li> </ul> <p>All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority</p>
11	MC00	<p>There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 20 metres looking uphill and 26 metres looking downhill measured along both channel lines of the major road Thorpe Bank from a point measured 2 metres down the</p>

<b>Condition number</b>	<b>Condition code</b>	<b>Condition text</b>
		centre line of the access road. The eye height will be 1.05 metres and the object height shall be 1.05 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
12	MC00	<p>Prior to any works commencing in relation to the re-location of the proposed access full details of the following shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:</p> <ul style="list-style-type: none"> <li>• New position for street lighting column.</li> </ul>
13	MC00	<p>No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 2:</p> <ul style="list-style-type: none"> <li>• have been constructed in accordance with the submitted drawing P-02 Rev 5</li> <li>• are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.</li> </ul>
14	MC00	Within six months of the development hereby being first brought into use, the replacement front boundary wall shall be constructed and completed in accordance with the approved plans.
15	MC00	Prior to works commencing on the demolition of the outbuildings and conservatory, measures shall be put in place (such as sediment traps) to ensure whilst building works are underway, sediments are captured and prevented from being washed into the beck

### **Informative(s)**

<b>Informative number</b>	<b>Informative code</b>	<b>Informative text</b>
1	MC INF00	In relation to condition 12 an explanation of the terms used above is available from the Highway Authority.
2	MC INF01	All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and

<b>Informative number</b>	<b>Informative code</b>	<b>Informative text</b>
		<p>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>

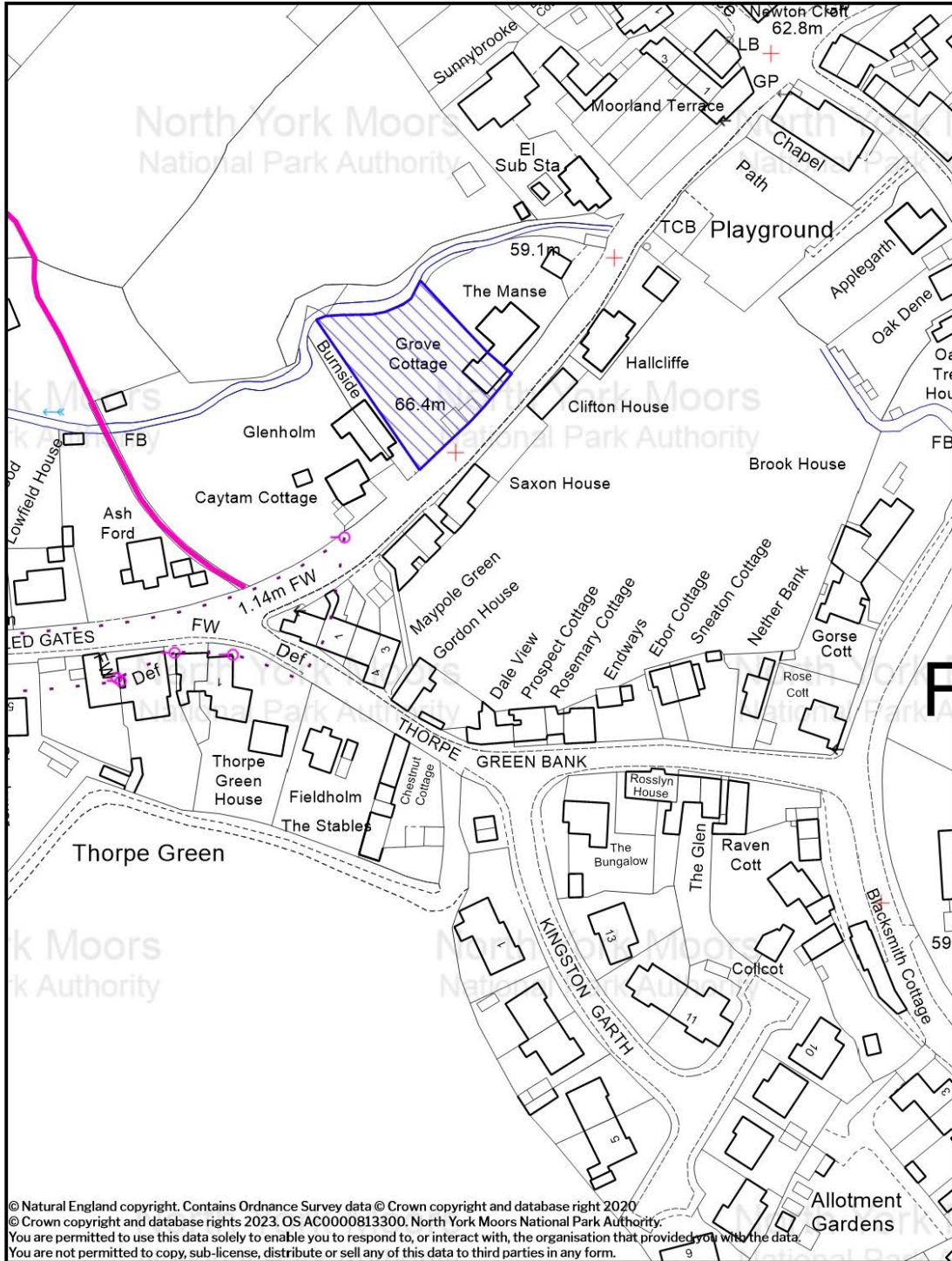
# Map showing application site



**North York Moors  
National Park**

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Scale: 1:1250



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**Photograph showing front elevation of Grove Cottage on previous site visit in 2019; lean-to on the southwestern elevation has since been removed following permission for a replacement two-storey extension in September 2019. Existing windows to first and second story of front elevation are of a timber, one-over-one vertical sliding sash design, with storm proof PVC bay dormer window to third storey. Windows to the side and rear are of a storm proof PVC construction.**



**Photograph showing front elevation of Grove Cottage and adjoining neighbouring property on most recent site visit in 2023; front elevation windows of Grove Cottage proposed to be replaced with PVC vertical sliding sash units.**



## **Consultation responses**

### **Parish**

Objection - Would like to object as they do not wish to support the installation of uPVC windows in a conservation area. The Councillors feel that granting this application will set a precedent for future requests to install uPVC windows in the Conservation Area. Article 4 mentions the importance of retaining the 'street view'. This has not been applied to Grove Cottage where permission has been given to change the fabric of the original building so that it will appear to be a stone-built cottage, where the original was brick built. Councillors try to be consistent and impartial when making their recommendations but are at a loss to understand when to use policy guidelines and when they can be ignored.

### **Third party responses**

None received.

### **Consultation expiry**

16 August 2023

## **Background**

Grove Cottage is a two storey, semi-detached property situated on the north side of Sledgates within the Fylingthorpe Conservation Area which is protected by an Article 4(2) Direction.

The property has a cream painted brick front elevation under a red pantile roof and features white painted timber vertical sliding sash windows to the front elevation of the property, and white stormproof PVC windows to the rear. The property also features a white stormproof PVC dormer window on the front elevation of the property.

Planning permission was granted in September 2019 (NYM/2019/0347) for the construction of a stone two-storey side extension on the southwestern elevation of Grove Cottage to replace the previous lean-to and conservatory, in addition to the demolition of existing outbuildings to accommodate the construction of a two-bay garage and new vehicular access. The construction of this approval is currently underway.

This application seeks to vary condition 4 of the above permission (NYM/2019/0347) to allow the installation of heritage style uPVC vertical sliding sash windows to the front elevation of the property rather than timber as conditioned; two on the original dwelling, and two on the approved side extension. The application also seeks to vary Condition 8 of the above permission to discharge a stone sample for the boundary wall, however, details of this stone have not yet been received.

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This application has been referred to Committee under the existing scheme of delegation to determine as an objection to the use of PVC has been received from the Parish Council.

## Main issues

### Local Plan

The most relevant policy contained within the North York Moors National Park Authority Local Plan 2020 to consider with this application are **Strategic Policy C (Design), Strategic Policy I (Historic Environment), Policy ENV11 (Historic Settlements and Built Heritage) and Policy CO17 (Householder Development)**.

**Strategic Policy C** seeks to maintain and enhance the distinctive character of the national park by considering appropriate siting, orientation, layout and density of proposals in addition to appropriate scale, height and massing and form. Proposals should utilise good quality materials and be of a high-quality, sustainable design that reflects and complements the architectural character and form of the original building and/or that of the local vernacular.

**Strategic Policy I** seeks that at all development affecting the historic environment should make a positive contribution to the cultural heritage and local distinctiveness of the National Park through conservation and, where appropriate enhancement of the historic environment. Development should conserve heritage assets and their settings in a manner appropriate to their significance, particularly assets that contribute to the wider historic landscape and legacy of the park; archaeological sites and monuments; and, the vernacular building styles, materials, form and layout of the historic environment, including Conservation Areas.

**Policy ENV11** seeks to conserve the built heritage of the National Park by ensuring that development fosters a positive and sympathetic relationship with traditional architecture, materials and construction and that developments utilise high standards of design that conserve and enhance the distinctive historic, cultural and architectural features of settlements by considering appropriate scale, height, massing, alignment; design detailing, materials and finishes.

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

### Material considerations

Whilst the use of PVC in Conservation Areas is generally resisted by the Authority in favour of timber as set out in Part 2 of the Authority's Design Guide, the existing timber  
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sash windows to the front elevation of Grove Cottage are of a poor-quality appearance and do not hold any significant historic or aesthetic value.

Storm-proof PVC windows have already been installed to the rear of the property under permitted development, in addition to a large storm-proof PVC dormer window on the front elevation of the property.

In view of the above, it is considered that the proposed heritage style PVC sash windows show a good quality design that is appropriate for the property, featuring vertical corner joints to replicate the traditional construction details of a timber sash window in addition to a sympathetic mock woodgrain finish. The proposed units offer a significant enhancement in design over the existing storm-proof PVC windows that can be seen on the rear elevation of the property and the dormer window on the front elevation of the property. Therefore, it is felt in this instance that the use of PVC is unlikely to have a detrimental impact on the appearance of the property or wider Conservation Area.

However, to ensure that the proposal remains in-keeping with neighbouring properties and the appearance of the wider Conservation Area, a condition has been applied for the windows to be coloured white to match the existing windows upon the property, as opposed to green as proposed. A further condition has also been applied to prevent the use of external trickle vents to ensure the windows retain a traditional appearance that replicate the details of a timber sash.

The Authority's Building Conservation Officer has provided an objection to the use of PVC windows on the front elevation of the property as required by the original condition, however, in this instance, it is considered that the replacement of the existing timber windows with high-quality PVC equivalents would not have an adverse impact upon the appearance of the wider Conservation Area given that the existing windows are of a poor-quality appearance and that the use of PVC can be seen elsewhere on the property.

### **Conclusion**

For the reasons outlined above, the proposal is considered to meet the aims of Strategic Policy C, Strategic Policy I, Policy ENV11 and Policy CO17 and as such, approval is recommended. However, given the objection from the Parish Council, the application has been referred to Committee under the existing scheme of delegation to determine.

### **Public Sector Equality Duty imposed by section 149 of the Equality Act 2010**

The proposal is not considered to unduly affect any people with protected characteristics.

### **Pre-commencement conditions**

There are no pre-commencement condition.

### **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 recommended changes to the proposal including the colour of the proposed windows, so as to deliver sustainable development.