

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2024/0038

Development description: demolition of existing dwelling and garage and construction of replacement dwelling and carport, installation of air source heat pump, landscaping works, widening of access and rearrangement of parking area together with local re-surfacing of Butt Lane

Site address: Braemore, Butt Lane, Robin Hoods Bay

Parish: Fylingdales

Case officer: Mrs Jill Bastow

Applicant: Ms Joanna Pedley

Ocean View, Covet Hill, Robin Hood's Bay, Whitby, YO22 4SN

Agent: Ian Hazard Architect

Office 210, Woodend Creative Workspace, The Crescent, Scarborough, YO11 2PW

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> <table border="1"> <thead> <tr> <th>Document Description</th> <th>Document/Drawing</th> <th>Date Received</th> </tr> </thead> <tbody> <tr> <td>Site Location and Site Plan</td> <td>22056-00-000</td> <td>15 Jan 2024</td> </tr> <tr> <td>Proposed Ground Floor and Roof Plans, Sections and Elevations</td> <td>22056-30-000</td> <td>15 Jan 2024</td> </tr> <tr> <td>Proposed Lower Ground Floor Plan, Sections and Elevations</td> <td>22056-30-100</td> <td>15 Jan 2024</td> </tr> <tr> <td>Revised Access Surfacing Proposals</td> <td></td> <td>5 Mar 2024</td> </tr> </tbody> </table>	Document Description	Document/Drawing	Date Received	Site Location and Site Plan	22056-00-000	15 Jan 2024	Proposed Ground Floor and Roof Plans, Sections and Elevations	22056-30-000	15 Jan 2024	Proposed Lower Ground Floor Plan, Sections and Elevations	22056-30-100	15 Jan 2024	Revised Access Surfacing Proposals		5 Mar 2024
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3	PDR01	Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), no development within Schedule 2, Part 1, Classes A to H of that Order shall take place without a further grant of planning permission being obtained from the Local Planning Authority.															
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	GPMT01	No work shall commence on the construction of the walls of the development hereby permitted until details/samples of all external materials to be used for the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The external materials used shall accord with the approved details and shall be maintained in															

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		that condition in perpetuity.
6	LD26	Prior to the development being brought into use full details of the hard surfacing to be utilised on the site shall be submitted to and approved in writing by the Local Planning Authority, including a timetable to implement the proposed works. The hard surfacing works shall then be implemented in accordance with the approved details. The hard landscaping shall be maintained in that condition in perpetuity.
7	MC02	The development hereby permitted shall be carried out in accordance with the mitigation and compensation measures set out in the submitted Bat Survey by Wold Ecology Ltd dated August 2023.
8	MC00	The surfacing of the access track shall accord with the British Horse Society Advice Note "Surfaces for Horses" and the amended surfacing proposals received on 5 March 2024.
9	AC01	No work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 08:00 and 18:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays and at no time on Sundays or Bank or National Holidays.

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 form and character of the building in line with Strategic Policies A and C and Policy CO14 of the North York Moors Local Plan, which seek to enhance and conserve the

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		special qualities of the National Park, secure high quality design for new development and to maintain a suitable mix of housing types within the National Park.
4	RSN AC01	In accordance with Policy ENV4 of the North York Moors Local Plan which seeks to protect dark night skies.
5	RSN GPMT01	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	RSN LD03	In the interests of the satisfactory appearance of the development and in order to comply with the provisions of Strategic Policy C of the North York Moors Local Plan which seeks to ensure that development proposals incorporate suitable hard landscaping details.
7	RSN MISC04	To enhance Protected and Priority Species/habitats and allow the Local Planning Authority to discharge its duties under the s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).
8	RSN MHC-06	To ensure that the design is appropriate in the interests of the safety and convenience of highway users.
9	RSN AC01	In order to ensure that the development does not detract from the quality of life of local residents in accordance with North York Moors Local Plan Strategic Policy C.

Consultation responses

Parish

No objection

Highways

No objection

Yorkshire Water

No objection

Environmental Health

No objection

British Horse Society

No objection to the revised proposals for the resurfacing of the access/bridleway

Ramblers Association

No objection

Police (Traffic)

No comments received

Third party responses

No comments received

Publicity expiry

Reconsultation expiry date: 27 March 2024

Braemore viewed from the entrance off Butt Lane



Braemore viewed from the garden to the south showing the steeply sloping site



Braemore viewed from Butt Lane to the west



Braemore viewed from Whitby Road (B1447) across the neighbour's drive



Background

Braemore, a detached two bedroom bungalow, is one of a small cluster of properties located approx. 1 km to the northwest of Robin Hoods Bay, on the south side of Butt Lane which serves two other properties. The lane is a public bridleway. Under the spatial strategy of the North York Moors Local Plan, it is considered to lie outwith the main built-up area of the settlement and within open countryside. It is not a Listed Building, nor does it lie within a designated conservation area. Although the property appears to have been extended since first built in the 1930s, there are no records of any planning permission which suggests the extensions were either permitted development or constructed prior to 1948.

Braemore is not of any particular architectural interest but equally it is not incongruous in the landscape, being of rendered masonry under a rosemary tiled roof, typical of the local vernacular. It sits quietly within the plot owing to the boundary planting and local topography and has a neutral impact on the local landscape character.

Planning permission is sought for the demolition of the existing property and its associated outbuildings and the construction of a replacement 2/3 bedroom dwelling with integral car port.

The application is accompanied by a Design and Access Statement, General Condition Appraisal, Structural Feasibility Report, Schedule of Proposed improvement Works to Bridleway, Air Source Heat Pump Specifications and a Bat Survey.

The agent engaged with the Authority at pre-application stage to explore the options of either renovating, remodelling and retrofitting the existing property, or constructing a replacement dwelling which would maximise the energy efficiency of the property; improve the internal layout and external design; and provide better vehicular access to the site including parking and turning with level pedestrian access to the living accommodation.

Main issues

Local Plan

The most relevant policy of the North York Moors Local Plan against which to determine the application is Policy CO14 (Replacement Dwellings in Open Countryside). This policy is supportive of proposals to replace an existing dwelling outside the main built up area of a settlement only where the residential use has not been abandoned; the existing dwelling is in an unsatisfactory state of repair or lacks basic amenities and is not of architectural or interest; it has been demonstrated that it is not feasible to repair or improve the existing dwelling or, if repairs are feasible but the existing building is incongruous in the landscape, it is demonstrated that the replacement dwelling would make a significantly improved contribution to the local landscape character; the replacement dwelling is in the same position as the existing; and the replacement

dwelling is of an appropriate design and has a similar floor area, volume, scale and curtilage to the existing dwelling.

Other issues

From the information submitted, it is evident that the residential use has not been abandoned and that the existing dwelling, despite being well-maintained and providing basic amenities, is in need of a deep energy retrofit, renovation and modernisation. The submitted Structural Feasibility Report concluded that renovating the existing property would entail extensive modification including underpinning to achieve level access and improve thermal efficiencies and recommended its demolition and replacement. A replacement dwelling removes the risks and complications that come with trying to modify an existing property to comply with new design standards and will meet design codes and standards that will provide a step free access, thermal efficiency and living wellbeing thereby satisfying criteria 1 and 2 of Policy CO14.

Criteria 3 of Policy CO14 requires it to not be feasible to repair or improve the existing dwelling. The agent has demonstrated that, whilst it would be possible to repair the property and bring it to the required modern living standards, the extent of work would not be feasible given the need to make it more thermally efficient and provide improved vehicular access to the site and a level access into the dwelling which in turn would necessitate significant alteration to the existing property, including the demolition of existing extensions, the raising of the internal floor level and alterations to the external appearance and fenestration.

With regard to criteria 4, in order to improve the vehicular access, turning and parking arrangements it has not been possible to site the replacement dwelling in the same position, and the orientation of the replacement dwelling has been adjusted to face south, to more closely align with the neighbouring properties whilst optimising solar heat gain and exploiting coastal views. However, the footprint of the new dwelling considerably overlaps that of the existing thereby ensuring only one dwelling will remain on site.

Turning to the matter of size and design, criteria 5 requires any replacement dwelling to not substantially increase the massing or prominence of the property and should seek to improve its contribution to the local landscape character. The existing dwelling including the garage occupies a footprint of 120 sq.m; the proposed dwelling including the car port would also have a footprint of 120 sq.m. In terms of habitable floorspace, the existing dwelling offers 88 sq.m; the proposed dwelling 135 sq.m, a 53% increase. However, the thrust of Policy CO14 is to avoid replacing existing dwellings in the open countryside with one of a significantly different size and scale which could have an adverse impact on the character and appearance of the local area. In this case the replacement dwelling would offer more habitable floorspace, but the overall scale and massing would be negligibly different to the existing dwelling.

By making use of the topography of the site the proposal is for a single storey dwelling with a lower ground floor cut into the slope with a retaining wall. The form of the proposed dwelling is quite traditional with a dual pitch roof, of similar size and proportion to the existing, although there would be a modest increase in overall height of approx. 750mm. The ground floor would have a balcony providing a roofed terrace to the lower ground floor. From Butt Lane the dwelling would maintain a similar discrete setting but where it is less visible, to the rear, the property opens up towards the views of the landscape and connecting with the rear garden of the site.

The dual pitch roof would be covered with clay rosemary tiles with integral solar panels to the south facing elevation and the walls a mix of render, timber cladding and clay rosemary tiles which give a more contemporary feel whilst also maintaining a similar appearance to that of the existing and neighbouring dwellings. The proposed combination of traditional and contemporary design and materials would reflect the local vernacular and that the proposed massing would ensure that the new dwelling preserves the current discrete landscape setting.

The proposals to upgrade the existing access along Butt Lane, which is also a bridleway initially met with objection from the Authority's Ranger and the British Horse Society however the proposals have been amended to accord with the advice contained in the British Horse Society Advice Note "Surfaces for Horses" and the objections have been removed. In landscape terms there is no objection to the proposed resurfacing of the short section of Butt Lane to reinstate vehicular access to the property.

In conclusion the existing dwelling is not considered to be of architectural interest and is in an unsatisfactory state of repair. Whilst it may be technically feasible to carry out alterations to the existing property, a replacement dwelling would provide an energy efficient, accessible dwelling. Traditional and contemporary elements of architectural design have been carefully combined within the proposals for the new dwelling such that it would have a positive impact on the landscape whilst respecting the discrete setting of the existing property.

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.

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.