

# North York Moors National Park Authority

## Delegated decision report

Application reference number: NYM/2024/0141

**Development description:** demolition of existing house and garage and construction of replacement dwelling with detached carport, sauna building and gazebo/ pergola

**Site address:** Two Gates, Prospect Field, Robin Hoods Bay

**Parish:** Fylingdales

**Case officer:** Jill Bastow

**Applicant:** Mrs Wendy Deans

Linden Grange, Hutton Rudby, Yarm, TS15 0HW

## 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>Drawing No.</th><th>Date Received</th></tr></thead><tbody><tr><td>Site and Location Plan</td><td>GS0416-201 F</td><td>25 April 2024</td></tr><tr><td>Pergola &amp; Carport Drawings</td><td>GS0416-101 A</td><td>25 April 2024</td></tr><tr><td>Ground &amp; First Floor Plans</td><td>GS0416-001 E</td><td>11 April 2024</td></tr><tr><td>Elevations &amp; Sections</td><td>GS0416-002 F</td><td>11 April 2024</td></tr><tr><td>Outdoor Sauna Building Details</td><td></td><td>5 March 2024</td></tr></tbody></table>	Document Description	Drawing No.	Date Received	Site and Location Plan	GS0416-201 F	25 April 2024	Pergola & Carport Drawings	GS0416-101 A	25 April 2024	Ground & First Floor Plans	GS0416-001 E	11 April 2024	Elevations & Sections	GS0416-002 F	11 April 2024	Outdoor Sauna Building Details		5 March 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																		

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		obtained from the Local Planning Authority.
4	AC01	No work relating to the development hereby approved, including works of demolition or preparation prior to building operations or deliveries to or from the site and sub-contractors, 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/Public Holidays.
5	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.
6	GPMT01	No work shall commence on the construction of the walls of the development hereby permitted until details/samples of all 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 that condition in perpetuity.
7	GPMT27	The flue hereby approved shall be coloured matt black and maintained in that condition in perpetuity.
8	GPMT21	No work shall commence on the installation of any rooflights in the development hereby approved until full details have been submitted to and approved in writing by the Local Planning Authority. The rooflights shall be installed in accordance with the approved details and maintained in that condition in perpetuity.
9	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

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		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.
10	LD25	Prior to the development being brought into use full details of the hard surfacing to be utilised on the site and the proposed boundary treatment shall be submitted to and approved in writing by the Local Planning Authority, including the size and species of any hedging, the materials to be utilised to any walls or fences and the timetable to implement the proposed works. The hard surfacing and site boundary works shall then be implemented in accordance with the approved details and shall be maintained 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 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 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 order to comply with the provisions of 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.

Reason number	Reason code	Reason text
5	RSN AC01	In accordance with Policy ENV4 of the North York Moors Local Plan which seeks to protect dark night skies.
6	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.
7	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.
8	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.
9	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.
10	RSNLD01	In order to comply with the provisions of Strategic Policy C of the North York Moors Local Plan which seeks to ensure that new development incorporates a landscaping scheme which is appropriate to the character of the locality and retains important existing features.

## Consultation responses

### Parish

No objection

### Highways

No objection as the proposal is to replace one dwelling with another and therefore it is not expected to increase the amount of traffic using Prospect Field other than during the construction phase. It should be noted that Prospect Field is not highway maintainable at public expense.

### Yorkshire Water

No comments received

### Natural England

No objection

### Coastal Engineer

No objection. The applicant is clearly fully aware of the coastal erosion/landslip risks at this location and whilst re-siting the new build slightly further inland that risk still remains going forward. The current and future owners of the property should be fully aware of the issues associated with owning a property/land in this area.

### Environmental Health

No objection but recommend hours of working condition to protect the amenity of neighbouring residents.

### Third party responses

#### Sally Delaney, Peel House, Prospect Field, Robin Hoods Bay

The application fails to mention the fragile condition of the road at Prospect Field. Due to its basic structure extensive potholes form easily, which residents try to manage and repair. The property is located at the far end of Prospect Field, which is a very quiet, narrow road with parking issues and limited access and minimum traffic. It is not a highway maintained at public expense. During demolition and reconstruction, the traffic will increase but there is no mention of the affect this will have on the condition of the road. Therefore, the consequences of heavy utilities and good vehicles required for this development will have an undoubtable negative effect on the current delicate state of this road. Are there measures that could be taken in order to protect the road included in the approval notice for planning.

### Publicity expiry

Advertisement/site notice expiry date: 4 April 2024

View from end of Prospect Field with the garage in the foreground and the existing dwelling beyond



View looking north from within the garden towards Prospect Field – the proposed replacement dwelling will reflect the orientation of the existing dwelling and garage with the eastern part having a ridge running north-south and the western half a ridge running east-west



View looking northwest from within the garden towards Prospect Field – the proposed dwelling will reflect the form, orientation and materials of the existing in a more contemporary manner



## Background

Two Gates is a detached three-bedroom property lying at the very eastern end of Prospect Field in the upper part of Robin Hoods Bay with residential properties to the north and west, and the coastline to the east and south. It is a white rendered property from the early 20<sup>th</sup> century with brick features. There is also a substantial detached garage located forward of the house, which screens the property on the approach along Prospect Field.

This upper part of Robin Hoods Bay is very much characterised by late Victorian and Edwardian villas where red brick and pantiles are the predominant materials. However Prospect Field displays a wide variety of house types, sizes and styles.

Planning permission is sought for a replacement dwelling on the site along with an open fronted timber framed car port, sauna building and gazebo.

## Main issues

### Local Plan

The relevant policies of the North York Moors Local Plan are considered to be Strategic Policy C (Quality and Design of Development), Strategic Policy M (Housing), Policy CO7 (Housing in Larger Villages), Policy CO17 (Householder Development), Policy CO14 (Replacement Dwellings in Open Countryside) and ENV6 (Land Instability).

Strategic Policy C seeks to maintain and enhance the distinctive character of the National Park by requiring development to be of a high quality design, incorporating good quality construction materials and design details that reflect architectural character and form of the local vernacular. It requires the siting, orientation, layout and density to complement existing buildings and that the scale, height, massing and form are compatible with surrounding buildings and not have an adverse impact upon the amenities of adjoining occupiers.

Strategic Policy M seeks to ensure the delivery of new homes to help meet the needs of local communities, including custom and self-build housing, on suitable small sites in listed settlements.

Policy CO7 supports the development of principal residence and affordable housing on suitable small sites within the main built-up area of Larger Villages of the National Park, or as a conversion of an existing building which lies within the main built up area and makes a positive contribution to the character of the settlement.

There is no specific policy relating to replacement dwellings within villages although Policy CO14 provide some guidance. This policy does not require an occupancy condition for the replacement of an unfettered dwelling where the proposed dwelling is of an appropriate design and has a floor area, volume, scale and curtilage similar to the existing dwelling. Policy CO17 provides further guidance in terms of the limits by which



the existing dwelling could be extended: it requires any extension to 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.

Policy ENV6 states that in coastal areas and as an exception to other policies in this plan, the relocation of an existing dwelling may be permitted where there is a clear and demonstrable short term threat of coastal erosion leading to the loss of the dwelling. It requires that the alternative location is in a suitable position within or at the edge of a nearby settlement; that the dwelling makes a positive contribution to the character and form of the settlement; and that the replacement dwelling should be of a similar area, volume, scale and curtilage to the original structure and that the original dwelling is removed.

### Principle

There is no policy in the Local Plan that deals specifically with replacement dwellings within those villages listed in the spatial strategy.

Whilst on the edge of the village, the site is located at the end of Prospect Field cul-de-sac and within the main built up limits such that the principle of the redevelopment of this site is considered acceptable under the housing policies of the Local Plan.

Given that Policy CO17 only allows for the enlargement of existing dwellings by 30% (unless there are exceptional circumstances which justify a larger extension) it is reasonable to apply this size threshold when considering the replacement of an unfettered dwelling. Where the proposed replacement dwelling is considerably larger than the existing, the Authority has considered those applications under Policy CO7 and applied a principal residency condition. Furthermore, whilst Policy CO14 only applies to replacement dwellings in the open countryside, it is also reasonable to consider the principles of that policy, that a replacement open market dwelling within a village should not be encumbered with an occupancy restriction if it is of a similar size and scale to the original.

In this case the existing dwelling offers 118 sq.m habitable floorspace whereas the proposed replacement dwelling would provide 207 sq.m habitable floorspace (156 sq.m at ground floor and 51 sq.m at first floor); as such the increase in habitable floorspace is 75%. However, the existing garage, which is unrestricted and could be converted into ancillary accommodation under permitted development rights, offers a potential further 52 sq.m of habitable floorspace. If that is offset against the proposed dwelling, then the increase in habitable floorspace would only be 37 sq.m (207 sq.m minus 118 sq.m + 52 sq.m). This equates to a 31% increase in the floorspace of the existing dwelling and as such it would be unreasonable to impose an occupancy restriction on this replacement dwelling which is of a similar size and scale to the original dwelling with its associated outbuildings.

There are also benefits to replacing the existing dwelling that weigh in favour of the proposal and justify not applying a principal residency condition as discussed in more detail below: the new dwelling will be located further from the coastal edge securing a longer future for the site; it would provide a much more energy efficient dwelling and also one of a more aesthetic design.

### Siting, design and layout

The proposed layout and density of the development is considered appropriate and in keeping with the locality; the proposed dwelling has been orientated to reflect the existing grain of development along Prospect Field with the ridge following that of the neighbouring properties to the north and west to form a T-shape footprint.

Being of more contemporary design, the proposed dwelling is well suited to this sizeable plot being located at the end of Prospect Field cul-de-sac which displays a mix of house styles and sizes. It is considered that the choice of materials (white painted render, cedar cladding and Rosemary plain clay tiles) reflects those of the locality and the use of two building blocks set perpendicular to each other with a small glass link helps to break up the massing so that the property would appear as two smaller dwellings. Whilst larger than the existing dwelling, and slightly higher (200mm), it is not considered that the proposed dwelling would appear out of scale in the locality or overbearing of neighbouring properties. Furthermore, it would overlap the footprint of the existing dwelling such that the original dwelling will have to be removed to facilitate the proposed development.

The proposed timber car port would sit to the north of the dwelling and further back into the site than the existing garage which currently presents an unattractive blank face to Prospect Field. The proposed development by contrast will create a more open aspect to Prospect Field with a driveway and front courtyard garden thereby enhancing the appearance of the site. The proposed ancillary structures of the sauna building, and gazebo are typically sized domestic outbuildings that do not adversely affect the setting of the proposed dwelling or the wider views of the property in the landscape.

### Coastal erosion

Although the application is not supported by any information about predicted rates of erosion to demonstrate that the new dwelling will not be eroded away within its anticipated lifespan, it is clear that repositioning the dwelling a further 6 metres from the coastal edge will secure a longer future for the use of the site. The Coastal Engineer acknowledges this and raises no objection. With regard to the criteria of Policy ENV6 the revised position brings the dwelling closer to the existing built form of Prospect Field and as it overlaps the footprint of the existing dwelling, that will have to be removed such that only one dwelling will remain on site. Furthermore, as demonstrated above the replacement dwelling will be of a similar scale to the existing, maintaining the existing domestic curtilage and would make a positive contribution to the character and form of the locality.

## Access

In response to the neighbours' concerns regarding the condition of the access road and the potential for further damage, the applicant has advised this is a private matter that they will address with the neighbours concerned as they have allocated monies for any damage done.

## Conclusion

In view of the above it is considered that the proposed replacement dwelling would accord with the requirements of the housing policies of the Local Plan whilst addressing the threat of coastal erosion and providing a dwelling of more contemporary design of a high standard that is sympathetic to the surroundings whilst respecting the form and grain of surrounding development of reflecting the local vernacular.

## 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.