

# North York Moors National Park Authority

## Delegated decision report

Application reference number: NYM/2023/0789

**Development description:** demolition of existing dwelling and detached garage and construction of replacement dwelling and detached garage together with landscaping works

**Site address:** 45 Eskdaleside, Sleights

**Parish:** Eskdaleside-Cum-Ugglebarnby

**Case officer:** Miss Megan O'Mara

**Applicant:** Mr & Mrs P & L Helm & Allison

The Farm , Stainsacre, Whitby, YO22 4NT

**Agent:** BHD Design Ltd

fao: Mr Neil Duffield, Airy Hill Manor, Waterstead Lane, Whitby, YO21 1QB,

## 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><thead><tr><th>Document Description</th><th>Document/Drawing No.</th><th>Date Received</th></tr></thead><tbody><tr><td>Amended Block Plan</td><td>D12606-03 Rev F</td><td>12 May 2024</td></tr><tr><td>Amended street scene elevations</td><td>D12606-07 Rev B</td><td>12 May 2024</td></tr><tr><td>Amended plans &amp; elevations</td><td>D12606-04 Rev H</td><td>12 May 2024</td></tr><tr><td>Proposed Garage</td><td>D12606-05 Rev A</td><td>20 November 2023</td></tr><tr><td>Renewable Energy Specifications</td><td>N/A</td><td>22 February 2024</td></tr></tbody></table>	Document Description	Document/Drawing No.	Date Received	Amended Block Plan	D12606-03 Rev F	12 May 2024	Amended street scene elevations	D12606-07 Rev B	12 May 2024	Amended plans & elevations	D12606-04 Rev H	12 May 2024	Proposed Garage	D12606-05 Rev A	20 November 2023	Renewable Energy Specifications	N/A	22 February 2024
Document Description	Document/Drawing No.	Date Received																		
Amended Block Plan	D12606-03 Rev F	12 May 2024																		
Amended street scene elevations	D12606-07 Rev B	12 May 2024																		
Amended plans & elevations	D12606-04 Rev H	12 May 2024																		
Proposed Garage	D12606-05 Rev A	20 November 2023																		
Renewable Energy Specifications	N/A	22 February 2024																		
3	PDR01	Notwithstanding the provisions of the Town and Country Planning																		

Condition number	Condition code	Condition text
		(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; Schedule 2, Part 2, Classes A to F and within Schedule 2 Part 14 Classes A to I of that Order shall take place without a further grant of planning permission being obtained from the Local Planning Authority.
4	UOR14	The application property hereby permitted, shall be used as a principal residential dwelling (Class C3) and for no other purpose including any other use in Class C of the Schedule to the Town and Country Planning (Use Classes) Order 2020 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The property shall be the only or principal home of the main occupant and it shall be occupied by the main occupant for at least 80% of the calendar year in the event that the main occupant occupies more than one property. The property shall not be occupied by the main occupant as a second home. The occupants shall supply to the Local Planning Authority (within 14 days of the Local Planning Authority's request to do so) such information as the Local Planning Authority may reasonably require in order to determine compliance with this condition. For the avoidance of doubt the property shall not be used as a single unit of holiday letting accommodation.
5	UOR03	The garage hereby permitted shall be used for domestic storage incidental to the occupation of the main dwelling on the site and for no other purpose. There shall be no alteration or conversion of the building hereby permitted to permanent residential accommodation. Any such use or alteration will require a separate grant of planning permission from the Local Planning Authority.
6	GPMT02	No work shall commence on the construction of the walls hereby approved until a sample of the materials to be used in the construction of the external surfaces shall have been prepared on site for inspection and approved in writing by the Local Planning Authority. A sample panel showing the construction materials shall be at least 1 metre x 1 metre and show the proposed material, coursing, jointing, method of tooling (if necessary), bond, mortar, pointing technique. A palette of other materials to be used in the development (including roofing, water tabling, new lintels and cills, cladding and render if necessary) shall also be made available. The development shall be constructed in accordance with the approved

Condition number	Condition code	Condition text
		sample(s), which shall not be removed from the site until completion of the development.
7	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.
8	GPMT12	No work shall commence to stain/paint the windows in the development hereby approved until details of the paint colour/finish of the windows has been submitted to and approved in writing by the Local Planning Authority. The work shall not be carried out otherwise than in accordance with the approved details, completed within six months of the date of installation and shall be maintained in that condition in perpetuity.
9	GPMT20	External trickle vents shall not be incorporated into any new windows hereby approved and shall not be installed thereafter.
10	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.
11	GPMT27	All flues associated with the proposed development shall be coloured matt black and maintained in that condition in perpetuity.
12	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.
13	AC20	No external lighting shall be installed in the development hereby

Condition number	Condition code	Condition text
		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.
14	MC00	Bat and/or bird boxes shall be incorporated into the approved scheme. Details of the boxes, number and location are to be submitted and agreed in writing by the Local Planning Authority prior to their installation. The agreed boxes shall be maintained as such in perpetuity.
15	MC00	Noise emissions resulting from processes or installations at the buildings, the subject of this application, shall be treated to the satisfaction of the Local Planning Authority. Details of noise attenuation and/or extract systems shall be submitted to and agreed in writing before the use of the buildings commence. The cumulative level of sound, when determined externally under free-field conditions, shall not exceed the representative background sound level at nearby sensitive receptors. All noise measurement/predictions and assessments made to determine compliance shall be made in accordance with British Standard 4142:2014: Methods for rating and assessing industrial and commercial sound, and/or its subsequent amendments. The agreed scheme shall be maintained throughout the life of the development.
16	MC00	<p>The access widening must be constructed in accordance with Standard Detail number E50 and the following requirements.</p> <ul style="list-style-type: none"> <li>- Any gates must not be able to swing over the existing highway within 6 metres of the carriageway.</li> <li>- Provision to prevent surface water from the site/plot discharging onto the existing highway must be constructed in accordance with the approved details shown on drawing D12606-03 Rev E and maintained thereafter to prevent such discharges.</li> <li>- The final surfacing of any private access within one metre of the public highway must not contain any loose material that is capable</li> </ul>

Condition number	Condition code	Condition text
		of being drawn on to the existing public highway.  All works must accord with the approved details.

**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	RSN UOR16	In order to comply with Strategic Policy M of the North York Moors Local Plan which seeks to restrict the occupancy of new residential development to those with a local links and an essential need to live in the locality.
5	RSN UOR03	In order to enable the Local Planning Authority to control any future changes to the building which is in a location where the formation of a separate dwelling unit would not normally be permitted in line with Strategic Policies B and M of the North York Moors Local Plan and would be likely to adversely affect the amenities of existing and future occupiers of the site.
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.

Reason number	Reason code	Reason text
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	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.
11	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.
12	RSN LD01	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.
13	RSN AC01	In order to enable the Local Planning Authority to retain control over future alterations to the property in the interests of

Reason number	Reason code	Reason text
		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.
14	RSN MISC02	In order to comply with the provisions of Strategic Policy H of the North York Moors Local Plan which seeks to protect species protected under national and international legislation.
15	RSN MISC00	In order to protect prospective occupants and local residents from ASHP noise impacts.
16	RSN MHC-05	In the interests of highway safety.

#### Informative(s)

Informative number	Informative code	Informative text
1	MC INFO0	Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire Council as the Local Highway Authority, is available to download from the <a href="#">Council's web site</a> . The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

## Consultation responses

### Parish

No objections

### Highways

No objection with recommended conditions

### Environmental Health

No objections subject to a noise condition relating to the air source heat pump

### Third party responses

No responses

### Publicity expiry

Advertisement/site notice expiry date: 6 April 2024



This photo shows the dwelling as existing.



## Background

45 Eskdaleside is a shingle clad bungalow in sleights, sitting between two stone and pantile two storey dwellings. The dwelling is of lightweight construction and does not reflect the local vernacular.

This application seeks planning permission to demolish the existing dwelling, together with the construction of a replacement two storey dwelling of stone and pantile construction and garage building.

## Main issues

### Local Plan

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 C017 states that development within the domestic curtilage of dwellings should only be permitted where the scale, height, 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. The policy also states that the development should reflect the principles outlined in the Authority's Design Guide.

Strategic Policy M relates to Housing within the National Park. To help meet the needs of local communities a minimum of 551 new homes (29 per year) will be completed over the period of this Plan. The Authority will support proposals for a variety of tenures, types and sizes of dwellings within the National Park, including accommodation for older people and those needing special facilities, care or support at home. Schemes will be expected to meet the need for smaller dwellings. All proposals should be of a high-quality design and construction to ensure that the character and distinctiveness of the built environment and local landscape are maintained.

Policy C07 relates to Housing in Larger Villages. The policy states that in order to support the wider service function of Larger Villages, principal residence and affordable housing will only be permitted on suitable small sites within the main built-up area of the village only. Proposals will be expected to meet the need for smaller dwellings. 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. Where a conversion will create six or more new dwellings an appropriate proportion should be affordable, in line with national policy and subject to viability.

## Discussion

The existing dwelling is of poor-quality construction and materials and is not in keeping with the surrounding street scene. It is therefore considered acceptable in principle to replace the existing dwelling with a two-storey dwelling of stone and pantile construction.

It is typically expected that replacement dwellings within villages would be on a similar footprint to the original dwelling to ensure that the scale and siting is in keeping with the surrounding dwellings. Policy C017 allows a 30% increase in habitable floorspace through extensions to an existing dwelling and as such, a replacement dwelling could incorporate the additional 30% into the new floorspace. This scheme exceeds the 30% limit as set out within Policy C017, with a total increase of 52%. However, it is considered that the significant overall enhancement in terms of appearance to the wider street scene would allow for an exception to this rule in the circumstances of this particular case. As an additional mitigation, the applicants have agreed that an occupancy restriction is to be applied, which in this instance is principal residency given that Sleights is identified as a larger village.

The scheme has been amended slightly in terms of design to ensure that the replacement dwelling is of high quality and in keeping with surrounding dwellings. It is considered that, in its amended form, the proposed replacement dwelling and garage

building meet the requirements of the Authority's adopted policies and design guidance.

The Environmental Health Officer has recommended a noise condition relating to a proposed air source heat pump and this has been included.

The application is recommended for approval.

#### **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 Authority's Officers have appraised the scheme against the Development Plan and other material considerations and recommended changes to the proposal including design revisions, so as to deliver sustainable development.