

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2024/0205

Development description: variation of condition 2 (material amendment) of planning approval NYM/2023/0523 to allow the provision of a basement to the approved extension and alterations to the rear (western) roof pitch incorporating solar panels

Site address: The Lilacs, Scar Lane, West Barnby

Parish: Barnby

Case officer: Miss Lucy Gibson

Applicant: Mr M Greenwood, The Lilacs , Scar Lane , West Barnby, Whitby, North Yorkshire, YO21 3SD

Agent: Addison Planning Consultants Ltd, fao: Mr Jay Everett, Armoury House, 45a Otley Street, Skipton, North Yorkshire, BD23 1EL

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 08 January 2027.															
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>Proposed Site Plan</td><td>2024-084 P102 Rev C</td><td>22 March 2024</td></tr><tr><td>Proposed Basement Floor Plan</td><td>2024-084 P204 Rev A</td><td>22 March 2024</td></tr><tr><td>Proposed Ground Floor Plan</td><td>2024-084 P205 Rev H</td><td>22 March 2024</td></tr><tr><td>Proposed First Floor Plan</td><td>2023-072 P206 Rev I</td><td>22 March 2024</td></tr></tbody></table>	Document Description	Document/Drawing No.	Date Received	Proposed Site Plan	2024-084 P102 Rev C	22 March 2024	Proposed Basement Floor Plan	2024-084 P204 Rev A	22 March 2024	Proposed Ground Floor Plan	2024-084 P205 Rev H	22 March 2024	Proposed First Floor Plan	2023-072 P206 Rev I	22 March 2024
Document Description	Document/Drawing No.	Date Received															
Proposed Site Plan	2024-084 P102 Rev C	22 March 2024															
Proposed Basement Floor Plan	2024-084 P204 Rev A	22 March 2024															
Proposed Ground Floor Plan	2024-084 P205 Rev H	22 March 2024															
Proposed First Floor Plan	2023-072 P206 Rev I	22 March 2024															

		<p>Proposed Second Floor Plan 2024-084 P207 Rev D 22 March 2024</p> <p>Proposed Roof Plan 2024-084 P208 Rev D 22 March 2024</p> <p>Proposed Elevation 2 2024-084 P221 Rev H 22 March 2024</p> <p>Proposed Elevation 4 2023-072 P223 Rev C 22 March 2024</p> <p>Proposed Section A 2024-084 P310 Rev F 22 March 2024</p> <p>Proposed Section B 2024-084 P311 Rev F 22 March 2024</p> <p>Proposed Section C 2024-084 P312 Rev E 22 March 2024</p> <p>Proposed Section D 2024-084 P313 Rev E 22 March 2024</p> <p>Bat, Breeding Bird and Barn Owl Scoping Survey N/A October 2023</p>
3	MC00	<p>No work shall commence to clear the site in preparation for the development hereby permitted until the results of a Bat Emergence survey, including any appropriate mitigation measures, have been submitted to and approved in writing by the Local Planning Authority. The details shall establish the certainty of the likely impacts of the development and outline the appropriate mitigation. The mitigation methods shall not be carried out otherwise than in accordance with the details so approved.</p>
4	MC00	<p>Should it be identified as a requirement of the Bat Emergence Survey, as secured by condition no. 3, no work shall commence until the copy of a European Protected Species Licence, including all appendices and supplementary documents, has been provided to the Local Planning Authority.</p>
5	PDR01	<p>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; 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.</p>

6	MC00	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 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 window or door 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 windows and doors shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.
8	MC00	All new doors, window frames and glazing bars shall be of timber or aluminum construction and no other materials shall be used.
9	GPMT15	The external face of the frame to all new windows shall be set in a reveal of a minimum of 100mm from the front face of the adjacent walling and shall be maintained in that condition in perpetuity.
10	GPMT09	No work shall commence on the installation of any door or window in the development hereby approved until details of the colour finish have been submitted to and approved in writing by the Local Planning Authority. The work shall accord with the details so approved, completed within six months of installation and shall be maintained in that condition in perpetuity.

11	BCMT01	The roof of the development hereby permitted shall be clad with traditional, non-interlocking, non-pre-coloured natural red clay pantiles and shall be maintained in that condition in perpetuity.
12	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 fixed or top-hung metal conservation style and shall be installed in accordance with the approved details and maintained in that condition in perpetuity.
13	GPMT20	External trickle vents shall not be incorporated into any new windows hereby approved and shall not be installed thereafter.
14	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.
15	GPMT27	All flues associated with the proposed development shall be coloured matt black and maintained in that condition in perpetuity.
16	GPMT23	The guttering to the development hereby permitted shall be directly fixed to the masonry by means of gutter spikes located within the mortar joint with no fascia boarding being utilised in the development and shall thereafter be so maintained in that condition in perpetuity.
17	LD25	Prior to the development being brought into use full details of the proposed boundary treatment to the site, 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, shall be submitted to and approved in writing by the Local Planning Authority. The site boundary treatment works shall then be implemented in accordance with the approved details. The boundary treatment shall be maintained in perpetuity.
18	MC00	The development must not be brought into use until the existing access onto Scar Lane has been permanently closed off and the verge reinstated, in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

19	MC00	<p>The development must not be brought into use until the access to the site has been set out and constructed in accordance with the ‘Specification for Housing and Industrial Estate Roads and Private Street Works’ published by the Local Highway Authority and the following requirements:</p> <p>The crossing of the highway verge must be constructed in accordance with the Standard Detail number E50A and the following requirements.</p> <ul style="list-style-type: none"> • Any gates or barriers must not be able to swing over the existing highway. • Provision to prevent surface water from the site/plot discharging onto the existing highway must be made and maintained thereafter to prevent such discharges. • The final surfacing of any private access within one metre of the public highway must not contain any loose material that is capable of being drawn on to the existing public highway. <p>All works must accord with the approved details.</p>
20	MC00	<p>There must be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of 33 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 1.05 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.</p>
21	AC20	<p>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.</p>

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.
3-4	RSN MISC06	To ensure protection of a species protected under the Wildlife and Countryside Act and compliance with Strategic Policy H of the North York Moors Local Plan which seeks to conserve and enhance the quality and diversity of the natural environment.
5	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.
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 BCMT01	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.
9-10	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 BCMT01	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.
12-16	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.
17	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.
18	RSN MHC-04	In the interests of highway safety and the amenity of the area.
19	RSN MHC-03	To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.
20	RSN MHC-05	In the interests of highway safety.
21	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 INFO0	<p>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 Council's web site.</p> <p>The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.</p>
2	MC INF14	<p>With reference to condition no. 21 above, further advice and guidance in relation to suitable external lighting fixtures is available on the Authority's website or by contacting the Authority at planning@northyorkmoors.org.uk.</p> <p>Further general information on lighting can be found on the International Dark-Sky Association web site together with more detailed information about outdoor lighting).</p> <p>This is to protect the nocturnal wildlife and the quality of the dark night skies above the National Park in accordance with Policy ENV4 of the North York Moors Local Plan and to support the North York Moors National Park's Management Plan Objective 9 - 'Increase the intrinsic darkness of the National Park International Dark Sky Reserve by expanding the current dark sky core zone by twenty percent by 2027'.</p>

Consultation responses

Parish

No comments received.

Highways

The variations do not alter the previous local highway authority (LHA) recommendation. On the understanding that the same area would be available for parking, the LA would not anticipate any need for vehicles parking at this dwelling to be parked on the highway. Therefore, the conditions made to the previous application are still applicable and there are no further local highway authority objections to the proposed variation.

Third party responses

None received.

Publicity expiry

01 May 2024

Photo showing the front elevation of the dwelling known as The Lilacs, West Barnby.



Photo showing the rear elevation of the dwelling.



Background

The Lilacs is a traditional stone and pantile farmhouse located in an isolated position in West Barnby, approximately 4 miles to the west of Whitby. The site is accessed via a track to the south of the A174. The dwelling is characterised by its traditional construction, with a two storey building, two storey rear projection and to the side, a range of single storey converted outbuildings and garden room. The dwelling is located within a large plot, with a modest front curtilage and a large, enclosed garden to the rear.

Planning approval (ref: NYM/2023/0523) was granted in January 2024 for the demolition of single storey structures, construction of replacement single storey extensions with rooflights and solar panels together with alterations to access, parking and landscaping works.

This application is a variation of condition 2 of the above approval (material amendment) to allow the provision of a basement to the approved extension and alterations to the rear (western) roof pitch incorporating solar panels.

Main issues

Local Plan

Strategic Policy C (Design) seeks to maintain and enhance the distinctive character of the National Park, and states that development will only be supported where it is of a high quality design; incorporates good quality construction materials and design details that reflect architectural character and form of the original building or the local vernacular; the siting, orientation, layout and density complement existing buildings; the scale, height, massing and form are compatible with surrounding buildings and not have an adverse impact upon the amenities of adjoining occupiers; sustainable design and construction techniques are incorporated; there is a good quality landscaping and planting scheme and local wildlife and biodiversity is enhanced.

Strategic Policy M (Housing) - Open market housing (and affordable housing) will be permitted in the Local Service Centre of Helmsley, with principal residence and affordable housing on suitable small sites in Larger Villages; local needs housing on suitable small sites in Smaller Villages; and only to help meet the needs of agricultural, forestry or other essential land management in the open countryside. Affordable housing schemes will be encouraged in Larger and Smaller Villages through Rural Exception Sites.

Policy CO14 (Replacement Dwellings in Open Countryside) seeks to permit the replacement of an existing dwelling outside the main built up area of settlements where residential use has not been abandoned; the dwelling is in an unsatisfactory state of repair; it is demonstrated that it is not feasible to repair or improve the existing dwelling; 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.

Policy CO17 (Householder Development) seeks to ensure 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 only be permitted where the scale, height, form, position and design do not detract from the character and form of the original dwelling or its setting in the landscape; does not adversely affect the residential amenity of neighbouring occupiers and reflects the principles outlined in the Authority's Design Guide.

In the case of extensions and alterations to the existing dwelling, any extension should 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; the design and detailing should complement the architectural form and character of the original dwelling.

Discussion

The original scheme proposed to demolish and rebuild all the single storey elements attached to the main two storey building, in the same position as existing. As such, the scheme essentially comprised a replacement dwelling in the open countryside and was considered under Policy CO14.

Policy CO14 allows for replacement dwellings in the open countryside where repair and improvements are not financially viable, and the only feasible option is to replace the dwelling. However, the Policy outlines that any replacement dwelling should be of an appropriate design and have a similar floor area, volume, scale and curtilage to the existing dwelling. However, a maximum 30% increase in additional habitable floorspace is permissible in line with Policy CO17.

This application proposes to amend the original scheme to allow for the provision of a basement. The addition of this additional floorspace would significantly increase the overall volume and floor area of the building, increasing the total habitable floorspace by approximately 80%, in comparison to the original dwelling. However, the basement development would not be visible and would not increase the visible scale of the dwelling. Furthermore, this property is already of substantial scale and doesn't contribute to the supply of smaller 2 and 3 bed dwellings which are needed. As such, it is not considered that the works would result in an adverse impact on the character and appearance of the local area.

In relation to design, the proposed amendment to the original scheme comprises the alteration of the roof design to include a flat roof. Flat roofs are not usually supported by the Authority, as outlined in Part 2 of the Authority's Design Guidance, as they can detract from the overall form and appearance of a building. However, in this case, and on balance, it is considered that given the scale of the extension and the works are

previously approved, the provision of a flat roof on the rear elevation would not result in unacceptable harm to the character of the dwelling or the wider landscape.

Whilst the proposed amendments are contrary to some aspects of Policy CO14 and Policy CO17, it is considered that in this case, given the form of the basement, which would not cause any visual harm to the wider landscape and the changes as approved under the original application, the proposed amendments (in this case) would not result in sufficient weight to justify a refusal of the scheme. Furthermore, although the introduction of the basement would result in a significant increase in floor area, above the 30% threshold in Policy CO17, the dwelling is already relatively substantial in size and located on a large plot and in this instance the further increase in floor area is unlikely to impact adversely on the overall mix of dwellings available. Taking into account the limited harm and degree of policy conflict in this particular case it is on balance recommended that approval is granted.

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

Condition 3 is a pre-commencement condition and was agreed in writing with the applicant/agent as part of the original approval.

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.