

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2024/0102

Development description: alterations, construction of porch, removal of two rear dormer windows and construction of two storey extension, alterations to one rear dormer window to form balcony together with installation of air source heat pump

Site address: Hill Top, Clack Lane, Osmotherley

Parish: Osmotherley

Case officer: Miss Megan O'Mara

Applicant: Sara and James Redmayne

Hill Top , Clack Lane, Osmotherley, North Yorkshire, DL6 3PW

Agent: JR Planning

fao: Mr Tom Shiels, Velocity Point , Wreakes Lane , Dronfield, S18 8XJ

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 No.</th><th>Date Received</th></tr></thead><tbody><tr><td>Location Plan</td><td>H2306-HEM-00-ZZ-DR-A-00001</td><td>6 Feb 2024</td></tr><tr><td>Site Plan</td><td>H2306-HEM-00-ZZ-DR-A-00102</td><td>21 May 2024</td></tr><tr><td>Floor Plans</td><td>H2306-HEM-00-ZZ-DR-A-00103</td><td>21 May 2024</td></tr><tr><td>Roof Plan</td><td>H2306-HEM-00-ZZ-DR-A-00104</td><td>21 May 2024</td></tr><tr><td>Elevations</td><td>H2306-HEM-00-ZZ-DR-A-00120</td><td>21 May 2024</td></tr></tbody></table>	Document Description	Document/Drawing No.	Date Received	Location Plan	H2306-HEM-00-ZZ-DR-A-00001	6 Feb 2024	Site Plan	H2306-HEM-00-ZZ-DR-A-00102	21 May 2024	Floor Plans	H2306-HEM-00-ZZ-DR-A-00103	21 May 2024	Roof Plan	H2306-HEM-00-ZZ-DR-A-00104	21 May 2024	Elevations	H2306-HEM-00-ZZ-DR-A-00120	21 May 2024
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3	PDR02	Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 1, Class A (or any order revoking and re-enacting that Order), no further extensions to the property known as Hill Top shall take place without a further grant of planning permission being obtained from the Local																		

Condition number	Condition code	Condition text
		Planning Authority.
4	GPMT03	All new external materials used in the development hereby permitted shall match that of the existing building including the colour and texture and finish and where these include stone and/or brick, the method of coursing and pointing in the local tradition.
5	GPMT10	All new windows in the development hereby permitted shall match those of the existing building in terms of appearance, materials, section, dimensions, glazing bar pattern, method of opening, external finish, reveals cills and lintels and shall be maintained in that condition in perpetuity.
6	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.
7	MC00	Notwithstanding the implementation of NYM/2015/0417/FL, the Juliet balcony approved under that scheme shall not be constructed if this approval is implemented. If the Juliet balcony approved under NYM/2015/0417/FL is constructed, this approval cannot be implemented.

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.

Reason number	Reason code	Reason text
4	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.
5	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.
6	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.
7	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.
Informative(s)		
Informative number	Informative code	Informative text
1	MC INF01	All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and 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.

Informative number	Informative code	Informative text
2	MC INF 13	<p>Swift populations are declining in the UK due to the loss of nest sites in roof spaces as old buildings are renovated or demolished. Swifts occupy nest sites between May and August, making little noise and causing no mess or smell. Swift populations can be supported by the inclusion of simple and affordable measures during building construction or renovation, such as purpose-made 'swift bricks' or the creation of small loft voids. Guidance can be found on the Swift Conservation website with additional swift box ideas from Action for Swifts.</p>

Consultation responses

Parish

The council supported this application as it felt that the design and appearance would be enhanced and that the air source heat pump would be an environmental improvement to be championed.

Highways

No objection

Environmental Health

No objection - The applicant has provided very little information on the noise impact of the air source heat pump beyond the manufacturer's specification, which indicates that at 1m the measured sound level was 53dBA. However, the location of the heat pump is away from adjacent properties and is unlikely to have an adverse impact from noise.

Third party responses

None received.

Consultation expiry

7 March 2024

This photo shows the rear elevation of the dwelling as existing.



Background

Hill Top is a one and half storey dwelling on Clack Lane, Osmotherley. The dwelling has been significantly altered over the years and originated as a very modest bungalow; however, the overall appearance of the dwelling has been enhanced by the existing alterations by incorporating design and materials that are reflective of the local vernacular.

This application was taken to committee for determination with a recommendation for refusal. However, the applicants requested during the meeting to amend the scheme, and as such, members determined that the application should go back to the Officer to seek design amendments.

This application seeks planning permission for a gabled extension on the rear (southern) elevation of the dwelling which faces across the open countryside towards the Vale of Mowbray. The application originally included the introduction of a Juliet balcony in the place of an existing dormer window on the rear roof slope, however this has since been omitted following negative comments from members.

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 CO17 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.

Discussion

The property is unusual in that the 'front' of the property faces Clack Lane, its where an oil tank is located, the vehicle access and parking is located, there is a gated yard whereas the rear elevation contains the windows of the principal living rooms and a formal garden overlooking the landscape of the Vale of Mowbray and in planning terms has the character and appearance of a front elevation for planning purposes.

Pre-application advice was sought by the applicants for the scheme that was originally submitted under this application. The applicants were advised that it was Officer

opinion that the scale, mass, form and position of the proposed development would be harmful to the host dwelling. It was also advised that the proposed gable extension and Juliet balcony would completely alter the appearance of the south elevation of the dwelling, which combined with existing extensions, would be detrimental to the original character and form of the dwelling. Despite this advice, the applicants submitted the application with an identical scheme, and it was taken to committee for members to determine. However, the applicants requested during the meeting to amend the scheme, and as such, members determined that the application should go back to the Officer to seek design amendments.

The dwelling originated as a very simple bungalow of basic design and construction. In 1989 planning permission was granted for various alterations and extensions to the dwelling which resulted in a significant improvement to the overall appearance of the dwelling, more in keeping with the surrounding area. In 2009, planning permission was granted for the construction of a garage off the front gable extension; in 2015, planning permission was granted for the garage to be converted into additional living accommodation. The 2015 approval also included the construction of a Juliet balcony on the rear.

The main issue, which members agreed with, was that the combination of the Juliet balcony and the proposed gable extension would alter the southern elevation so significantly that it would result in harm to the character and form of the host dwelling. The applicants suggested during the committee meeting that they had no intention of constructing the Juliet balcony and were therefore willing to omit this from the proposed scheme. Given that the 2015 approval has already been implemented, the Juliet balcony could still be constructed. It was discussed in front of members and was concluded that a condition would be applied to ensure that the Juliet balcony would not be constructed if this approval was to be implemented in order that the harm is minimised. Following the omission of the Juliet balcony and the condition to ensure that it is not constructed, it is considered that the proposed extension can be supported.

Policy CO17 explains that 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 existing extensions have increased the total habitable floorspace by more than 100%, significantly beyond the 30% limit set out in the policy. As such, this element of the policy has not been applied given that the floorspace increase proposed is incredibly minimal and the dwelling has already been overdeveloped, however permitted development rights for extensions have been removed in order that the dwelling is not developed any further.

Overall, it is considered that in its amended form, the proposed development is acceptable and as such, 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 omission of Juliet balcony, so as to deliver sustainable development.